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The Solicitors' Journal

[Established 1857.] [Registered as a Newspaper.]

VOL. LXXX. No 2. [Pages 21 to 40]. Saturday, January 11, 1936. Published Weekly. Price One Shilling.

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The Solicitors' Journal

VOL. LXXX. **Saturday, January 11, 1936.** No. 2

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Current Topics.

Hilary Law Sittings.

THE lists for the Hilary Law Sittings which begin on Monday show a somewhat remarkable decline in the number of King's Bench actions, combined with an increase in the number of appeals (except to the Divisional Court) and of matters which will come before the Chancery and the Probate, Divorce and Admiralty Divisions. During the coming term, EVE and FARWELL, JJ., will take the Witness List, Part II, which shows a total of ninety actions, including fourteen in the "Abated" Witness List, Part II. The former judge has in addition two actions in Part II of the Witness List, the latter one such action and three adjourned summonses. CLAUSON and CROSSMAN, JJ., will take the Witness List, Part I, which comprises sixty actions, including eleven in the "Abated" List. The former judge has in addition one retained matter, the latter two actions in the Witness List, Part II. CROSSMAN, J., will deal also with the company and bankruptcy lists, the former of which contains 108 matters, the latter comprising three appeals and actions. Adjourned summonses and causes in the Non-Witness List, which total thirty-four, including fourteen in the "Abated" List, will come before LUXMOORE and BENNETT, JJ., the former having in addition two actions in the Witness List, Part I, two assigned petitions, and one short cause, while the latter has two actions in the Witness List, Part II, and two petitions. In the King's Bench Division the numbers of special jury, common jury and non-jury actions are, respectively, sixty-three, thirty-one and 398, the corresponding figures last year being 126, eighty-four and 751. Of the non-jury actions, 213 are in the Ordinary List and 185 in the New Procedure List, as against 526 and 225, respectively, last year. There are twenty-seven cases in the Commercial List, while twenty-four actions have been set down for hearing under Ord. XIV—decreases of four and two respectively on last year's numbers. The total number of actions set down for hearing in Probate, Divorce and Admiralty Division is 543, compared with 1,018 for the corresponding term in 1935. Probate and Divorce matters number 1,386, including 977 undefended causes, 368 defended causes, five special jury and thirty-six common jury actions. There are eight Admiralty actions. Probate, Divorce and Admiralty matters show an increase of 157 cases over last year.

Appeals.

THE lists for the Divisional Court comprise seventy-two matters, including twenty-nine appeals in the Crown Paper, two in the Civil Paper, twenty-four in the Revenue Paper and nine in the Special Paper. There are three appeals under the Housing Acts, 1925 and 1930, one appeal under the Unemployment Insurance Act, and four motions for judgment. Appeals from the High Court include twenty-eight from the Chancery Division (two in bankruptcy), seventy-one from the King's Bench Division (four from the Revenue Paper) and four from the Probate, Divorce and Admiralty Division. One appeal is set down from the County Palatine Court of Lancaster, and there are forty-seven from the county courts. Appeals this term, including fourteen interlocutory appeals, number 165, which represents an increase of twelve over the total for last year. The list of the Judicial Committee of the Privy Council, which also resumes its sittings on Monday, contains thirty matters—an increase of five compared with the number for 1935. There are seventeen appeals from India, two from Canada, two from Trinidad, two from East Africa, and one each from Australia, Ceylon, Gold Coast Colony, Jamaica, Jersey, Nigeria and Palestine. Five judgments also await delivery.

Central Criminal Court: January Sessions.

AT the beginning of the week there were eighty persons awaiting trial or sentence at the January Sessions of the Central Criminal Court which opened on Tuesday. The list contained two murder charges, and two each of manslaughter, robbery with violence, causing grievous bodily harm, and defamatory libel. There were eight charges of conspiracy to defraud, eight of stealing, five of bigamy, five of false pretences, four of burglary or breaking and entering, and one each of fraudulent conversion, coining, forgery, and embezzlement, while there is one alleged long-firm fraud case. Two charges relate to offences against the Post Office. The peer who was recently acquitted of manslaughter in a recent trial at the House of Lords in a case arising out of a motor car collision stands committed on a charge of driving a motor vehicle in a manner dangerous to the public. Another charge relates to alleged offences against the Official Secrets Acts, 1911 and 1920. It is intimated that the cases in the High Court Judges' list will come before CHARLES, J.

Vicissitudes of Titles.

FEW things are more curious in matters of administration than the vicissitudes to which, in the course of centuries, official titles, or, rather, their holders, have been subjected, some receiving an accession of dignity while others have suffered a corresponding declension. Originally, as we are told, the Chancellor was merely a petty officer stationed at the fence of the bars or lattice work in a law court, whose duty it was to introduce such functionaries as were entitled to pass inside; gradually, however, he grew in importance and in dignity till he has become the most exalted in the legal sphere. Another legal dignitary, the Master of the Rolls, has similarly gained in importance since the early days, when he was merely the first of the Masters attached to the Court of Chancery. Something of the same kind has taken place in

Scotland. In the current number of the *Juridical Review*, Professor HANNAY learnedly traces the steps by which the Lord Justice Clerk developed from being a kind of clerk or assessor to the circuit judges into his present position as president of the Second Division of the Court of Session. All these have been instances of an accession of dignity. In what may be called the political sphere a declension in importance of certain offices has been observable. In the announcement last week that the ancient office of Lord Clerk Register of Scotland, which had been held by the late DUKE OF BUCCLEUCH, has been conferred upon LORD MAR AND KELLIE we have an instance of this. At one time the Lord Clerk Register had important functions to carry out; he was clerk of Parliament, of the King's Council, and of the courts of justice. Then he was charged with the duty of keeping the registers of deeds which have been for many centuries a striking feature in the legal system of Scotland, but an inroad was made upon this branch of his work by a statute of 1879, which deprived the office of salary and transferred the active duties in connection with the registers to a Deputy Clerk Register who was to be an advocate of the Scots Bar. More recent legislation, however, has vested the charge of these registers in the Keeper of the Registers and Records of Scotland, who is a member of the solicitor branch of the profession. While the Lord Clerk Register has thus been denuded of most of his effective functions, he is still, however, one of the officers of state and as such he presides at the election of representative peers for Scotland.

Counsel and Contemporaneous Cases.

SHORT reference may be made to the only point in the Annual Statement for 1935 of the General Council of the Bar, which seems to be of particular interest to the solicitors' branch of the profession. Readers will remember that at a special general meeting of The Law Society, held last January, Mr. C. L. NORDON moved: "That the Council be urged to consider the serious prejudice to litigants and solicitors in cases where counsel, duly briefed for trial of action, is prevented from fulfilling his engagement owing to his appearance in another court, and to make such representations as will lead to the appropriate remedy." The motion was carried by a considerable majority and The Law Society reported the matter to the Bar Council, whose views thereon were invited. In a reply the Council regretted that serious prejudice should arise in the manner indicated, but pointed to the fact that it is usually impossible to know at the time the brief is accepted when the case will in fact be heard. The statement continues: "Briefs are as a rule delivered and accepted on the understanding that it is possible that counsel may be prevented from attending the case. This Council desires to add that in order to cause as little inconvenience to the clients as possible a brief should be returned as soon as the barrister finds that there is a serious probability that he may not be able to attend to it." The reply indicated, moreover, that should it be brought to the notice of the Council that there had been a failure to consider the interests of the clients the Council would take up the matter with the barrister concerned. But it is considered that the inconvenience will not be entirely obviated except by the Bench being sufficiently strengthened to enable cases to be heard on fixed dates.

Supreme Court Funds.

READERS may be interested in a few statistics derived from a recent report by the Comptroller and Auditor-General on the accounts relating to the funds of suitors of the Supreme Court of Judicature. The account, it is indicated in a foreword, is one of money and securities vested in and dealt with by the Accountant-General of the Supreme Court in pursuance of Orders of Court or Statutory Rules as a result of legal proceedings since the year 1726, when the office of Accountant-General was first instituted. The funds concerned are private (not public or voted), and an account in regard to them is required to be presented to Parliament. The liability of the Consolidated Fund for suitors' cash at the end of February, 1935, amounted to £1,632,134. A surplus, valued at £1,584,058, arising from the accumulation of moneys placed with the National Debt Commissioners for investment, reduces this liability to the net apparent figure of £48,076. The number of suitors' accounts open in the books of the Accountant-General was, on 28th February, 1935, 21,875, the nominal amount of Government and other sterling securities standing to their credit on the same day being £50,130,237. It may, perhaps, be pointed out that it is the practice of the Accountant-General to retain a normal working balance at the bank of some £200,000, surplus cash being placed in the hands of the National Debt Commissioners and invested by them in Government securities. The Commissioners replace on the Accountant-General's account, as occasion requires, sums needed to meet a deficiency when the cash balance falls below the amount required for making current payments.

Disregard of the Highway Code.

MR. GORDON STEWART, president of the National "Safety First" Association, in the course of a recent statement made in connection with the association's programme for the present year, expressed the opinion that the main reason for accidents was the constant disregard of the Highway Code by all sections of road users. Publicity, he thought, has made the public accident-conscious, but it had not yet created a safety-consciousness. The fact that the new motorist has to pass an examination based on the Code was duly alluded to, but it was thought questionable whether pedestrians and cyclists realise that it applies to them just as much as to the motorist. Reference was made to the latest statistics of the Ministry of Transport, which attribute 1 per cent. of fatal road accidents to road defects and 4 per cent. to vehicle defects, leaving over 90 per cent. to be attributed to faults of road-users. On the question of road safety in general, the above-named association, though not satisfied with the present position, considers that the results for 1935 are definitely encouraging and reflect great credit on the Government, particularly on the Minister of Transport. The reduction in fatal accidents has, it was indicated, been proportionately greater than in the case of non-fatal accidents, being about 10 per cent. in the former and 5 per cent. in the latter case. Every locality and every highway authority is being asked by the association to co-operate in a campaign to secure, if possible, a reduction of at least 10 per cent. in road casualties compared with the figure for the present year. The programme for 1936 includes 100 new poster designs, many of which deal with important points in the Highway Code and with the causes of road accidents.

Road Casualties, 1935.

WE do not ordinarily refer in any detail to the informative statistics issued weekly by the Ministry of Transport in regard to the number of persons killed and injured on the roads, but inasmuch as safety devices, plans for road improvement and such like, particularly in their legal aspect, form the subject-matter of not infrequent comment in this column, it does not appear to be out of place shortly to put on record the improvement which has taken place in the traffic situation, from the point of view of the greater degree of safety achieved, during the past year. The figures for 1935 and the contrast which they present to those for 1934 are particularly significant in view of the increased use of pedestrian crossings, the imposition of the 30 miles an hour speed limit in built-up areas and employment of other devices, directed to the safety of pedestrian and motorist alike, which the past year has witnessed. Figures issued at the beginning of the present year by the Ministry of Transport show that during the fifty-two weeks ended 28th December, 1935, 6,521 people were killed and 218,798 were injured as a result of road accidents in Great Britain. During the previous year the numbers of

killed and injured were respectively 7,343 and 231,603. Expressed as a daily average the figures are: killed, twenty (1934), eighteen (1935); injured, 634 (1934), 599 (1935). Appalling as the number of casualties still is, the latest returns exhibit a reduction in the number of deaths by 822, and in the number of injured by 12,805—no mean achievement. Returns for the City of London and the Metropolitan Police Area show a similar improvement, 332 fewer people having been killed and 3,993 fewer injured during last year than during 1934, the figures being respectively: killed, 1,116 and 1,448; injured, 55,517 and 59,510. In giving these figures *The Times* states that the past year is regarded by the authorities as being the first normal year in which there has been a reduction of casualties since motor transport became popular. Reference is made to a statement to the effect that an examination of figures from the inception of motor vehicles indicates that casualties have increased every year, with the exception of the War period. Had the previous rate been maintained in 1935, an increase of over 11,000 in the total casualties would have had to be reported, instead of a reduction of 12,800. It is to be noted that in the last ten years the number of licences issued has risen from 1,724,507 to 2,581,027. Encouraging as these figures are, there is still enormous scope for improvement, and it is to be hoped that 1936 will witness an even greater reduction in the number of road casualties.

Police Car Injuries: Compensation.

A RECENT paragraph in *The Times* indicated that Scotland Yard officials were considering the situation created by the death of a civil servant who was accidentally killed as a result of a police car coming into collision with a stolen car which was being pursued. Inquiries, it was stated, showed that the immediate wants of the widow of the deceased and her family had been seen to by the police and, while no legal liability for the accident which resulted in the death referred to was admitted, the question of an *ex gratia* payment was to be taken into consideration by the police authorities. It was intimated also that the Commissioner of Police of the Metropolis is having inquiries made as to what steps can be taken to minimise the danger to innocent persons when police officers in cars are chasing suspects. It seems preferable at this juncture to point to the existence of the problem than to offer comment on the situation.

Latent Dangers.

SHORT reference should be made to coroners' comments in two recent inquests. In the first case—in which a verdict of "Death from Misadventure" was recorded—Mr. W. BENTLEY PURCHASE, the St. Pancras coroner, expressed the opinion that the public ought to be guarded in some way against the danger of pyramidon. The inquest was on the body of one who had died some time after taking certain rheumatism tablets, and the coroner said that it was the second case within a few days of a death due to pyramidon poisoning, and that he would refer the case to the Poisons Board to see if any action could be taken in the matter of controlling the sale of the drug. Evidence was given to the effect that the tablets taken by the deceased contained a small percentage of pyramidon. The bottle bore a poison label, although this particular drug would not be classed as a poison until May, 1936. Sir BERNARD SPILSBURY stated that the action of the drug turned the blood cells white and reduced a person's powers of resistance to infection. The second case exemplifies the more familiar danger arising from the exhaust fumes of an internal combustion engine and risk incurred by running a car engine in a closed garage. The details of the case need not be set out here. It is sufficient to state that the deceased met his death as a result of working on his car in a closed garage with the engine running, and that the cause of death was carbon monoxide poisoning. The coroner, Mr. INGLEBY ODDIE, recording a verdict of "Accidental Death," said: "Motorists should remember not to work in a garage without having the doors wide open, and even then not to run the engine too long." It may not be out of place at this juncture to allude to a third case, although, in this instance, the danger is of a more obvious, if less generally appreciated, character. In this case the inquest was on the body of a fourteen-year-old errand boy who was knocked down and killed by an eight-wheeled lorry. Evidence was given to the effect that, had there been a van boy keeping watch on the near side of the lorry, the accident would not have happened. The driver was exonerated from blame. The jury returned a verdict of "Accidental death," and recommended that action should be taken to compel all big lorries to carry a driver's mate or van boy when making long journeys. The coroner, Mr. A. DOUGLAS COWBURN, who intimated that he proposed to bring the case to the notice of the Ministry of Transport, said—we quote from *The Times*—that it was not reasonable or proper for huge lorries to travel long distances for many hours in charge of one man who, apparently, could only stop for an interval of half-an-hour every five hours. There were no regulations requiring anybody to be with the driver. This was a grave state of affairs which required the immediate attention of the Ministry of Transport.

Omnibus Smoke.

LAST October we alluded in this column to a case in which the London Passenger Transport Board was fined forty shillings for permitting one of its vehicles to emit smoke which could have been prevented by the taking of reasonable steps. The vehicle was being driven in Fleet Street on 1st of August. Some six weeks later, on 16th September, the same concern was fined £5 for permitting to be used in the same locality one of their vehicles which was emitting smoke which, it was alleged, could have been prevented by the taking of reasonable steps, and there was a second complaint in regard to the same vehicle on the ground of excessive noise due to lack of repair to the silencer. Evidence was given to the effect that the vehicle was proceeding along Fleet Street emitting from the exhaust pipe a "cloud of thick, black smoke"; this was accompanied—we quote from *The Times*—by a noise like the "loud cracking of a whip." Both, it was suggested, were due to lack of repair. On appeal to the City of London Quarter Sessions it was urged for the Board that the smoke was due, not to negligence, but to the fracture of a piston which occurred on the journey. That, counsel said, was a rare occurrence which could not be foreseen nor provided against. In announcing the decision to uphold the aforesaid conviction and sentence and dismissing the appeal with twenty-five guineas costs, Alderman Sir CHARLES COLLETT indicated that, in the view of the court, the excessive noise and smoke complained of could have been prevented by the taking of reasonable steps.

Unpaid Tramway Fare: A Sequel.

READERS will remember the case, alluded to about a year ago in this column (79 SOL. J. 19) in which a summons against a passenger for not paying a tram fare, which had not been demanded, was dismissed by Sir ROLLO GRAHAM-CAMPBELL. The grounds of the decision, which was affirmed by the High Court (*London Passenger Transport Board* v. *Sumner* (1935), 79 SOL. J. 840), was that a bye-law requiring passengers "immediately upon demand, or in case no demand shall have been made" to pay the fare legally demandable was invalid as repugnant to the general law in that it made failure to pay an offence, irrespective of any intent to defraud and also as unreasonable. A Provisional Order amending the former regulation has now been made, and contains the following passage, designed to render the legal position clearer: "No passenger shall leave or attempt to leave the vehicle without paying the fare for the journey which he has taken and with intent to avoid payment thereof." Moreover, the words "or in case no demand shall be made before leaving the carriage" have been deleted. The Order has not, at the time of writing, been confirmed.

Liability for Servant's Negligence.

If a servant, acting in the course of his employment and within the scope of his authority, takes delivery of a motor car, but, in breach of his duty, drives it not to his master's garage, but elsewhere, is the master liable for the servant's negligence ?

If the servant were on a "frolic of his own"—e.g., by taking his friend a drive on a Saturday night, after hours—the master would not be liable. But suppose the servant, instead of taking a short or direct route to the garage, took a longer or circuitous route; suppose that he only took delivery of the car from the repairers the night before, drove it to his own home so that, the next morning, it would be in the garage very early to suit the convenience of the customer; an "accident" happens on the journey, caused by the servant's negligence. Was the servant still acting in the course of his employment and is the master liable ?

Yes, held Macnaghten, J., in *Aitchison* v. *Page Motors, Ltd.*, *The Times*, 6th December, 1935. Following (in filial piety) the view of Lord Macnaghten in the leading case of *Lloyd* v. *Grace Smith & Co.* [1912] A.C. 716, at p. 736, he said that the expression "acting in the course of his employment" must be construed "liberally."

In April, 1934, Mrs. Aitchison asked the Page Motors, Ltd., to send for her Rover saloon motor car, which had some defect in the clutch. Mr. Quaglia, the service manager, advised her that the car ought to be sent to the Rover works at Fulham, for repair. That was done; the repairs were executed; and Mr. Quaglia went to Fulham to fetch the car. He arrived at 7 p.m. and drove the car away. Thence he went to Walham Green, and shortly after 11 p.m. he was driving the car to Wimbledon, where he lived. With him in the car were two friends from Wimbledon. A head-on collision occurred with an omnibus, the car was wrecked and its occupants killed. Mrs. Aitchison claimed £236 as agreed damages for the destruction of the car, for which she said that the Page Motors, Ltd., were liable owing to the negligence of Mr. Quaglia, their servant.

Negligence was admitted, but it was said that Mr. Quaglia, being a service manager only, had no authority to take delivery of cars, and, moreover, at the time of the accident, he was using the car for his own purpose and was therefore not acting in the course of his employment.

The learned judge found that on many occasions Mr. Quaglia had, to the defendants' knowledge, taken delivery of cars without objection. Accordingly, he had "ostensible authority" to take delivery of this car. On the second point, it was admitted that he was taking the car to his own home at Wimbledon, but with a view of taking it to the garage of the Page Motors, Ltd., at Epsom, on the following morning.

The plaintiff relied, first, upon *Storey* v. *Ashton* (1869), L.R. 4 Q.B. 476.

A wine merchant in the Minories had sent his clerk and a carman with a horse and cart to deliver wine at Blackheath. They delivered the wine and received the empties. Thereupon, the carman, instead of depositing the empties at the office and stabling the horse and cart, was induced by the clerk, at 3 p.m. on the Saturday, when a quarter of a mile from home, to drive to the clerk's house at City-road, and thence to fetch a cask at Barnsbury. Driving to Barnsbury, the plaintiff was run over owing to the negligence of the carman.

Cockburn, C.J., said :—

> ". . . the master is only responsible so long as the servant can be said to be doing the act, in the doing of which he is guilty of negligence, in the course of his employment as servant. I am very far from saying, if the servant, when going on his master's business took a somewhat longer road, that owing to this deviation he would cease to be in the employment of the master, so as to divest the latter of all liability; in such case it is a question of degree as to how far the deviation could be considered a separate journey. Such a consideration is not applicable to the present case, because here the carman started on an entirely new and independent journey which had nothing at all to do with his employment" (pp. 479, 480).

Similarly, Lush, J., said :—

> ". . . if he had been merely going a roundabout way home, the master would have been liable."

In this case, was the journey to Wimbledon "a new and independent journey," or was it (so to speak), simply "a roundabout way" to the garage at Epsom ?

One would have thought that, on the facts, the servant was using the car for his own private purposes and that—

> "every step he drove was away from his duty"

as Mellor, J., said (at p. 480). But Macnaghten, J., held that Mr. Quaglia, being authorised to fetch the car from Fulham, the defendants were answerable "for the manner in which he conducted himself in performing that service." The transit of the car (so to speak) lasted from 7 p.m. on delivery until the time when it would have been deposited in Epsom on the following morning. This is, indeed, with respect, a very "liberal" interpretation.

The plaintiff also relied upon *Mitchell* v. *Crassweller* (1853), 13 C.B. 237, which was quoted, with approval, in *Storey* v. *Ashton*.

There the defendants' carman, having finished the business of the day, returned to their shop in Welbeck-street, with horse and cart and obtained the key of the neighbouring stable. But, instead of going there at once, he drove a fellow workman to Euston, and on his way back ran over and injured Mr. and Mrs. Mitchell. His employers were held not liable, because at the time of the accident, he was not engaged on their business.

Maule, J., said :—

> "The master is liable even though the servant, in the performance of his duty, is guilty of a deviation or a failure to perform it in the strictest and most convenient manner. But, where the servant, instead of doing that which he is employed to do, does something which he is not employed to do at all, the master cannot be said to do it by his servant, and therefore is not responsible for the negligence of the servant in doing it" (pp. 246, 247).

But, in *The Coupé Company* v. *Maddick* [1891] 2 Q.B. 413, a surgeon had hired a carriage and horse from the plaintiffs. His coachman, instead of taking them back to the stable, drove in another direction and picked up a friend whom he then drove to a place a mile and a half from the stable. On his return the carriage and horse were run into and injured. The coachman was drunk at the time. It was held that the surgeon, as bailee of the carriage, was responsible for the damage caused by the negligence of the person to whom he had entrusted the carriage. The principle of this decision was that the coachman, although he disobeyed his master, was nevertheless acting in the course of his employment.

Thus the case was explained in *Sanderson* v. *Collins* [1904] 1 K.B. 628.

The defendant sent his carriage to the plaintiff, a coach builder, to be repaired. The plaintiff thereupon lent to the defendant a four-wheel dog-cart while the carriage was under repair. The defendant's coachman took the dog-cart out without authority; he was the worse for liquor and collided with a tramcar. It was held that the coachman, at the time of the injury, was not acting in the course of his employment, and that therefore the defendant was not liable. Collins, M.R., gave this extreme instance :—

> "If a burglar broke into the coach-house and took away the carriage and caused damage to it and brought it back, no liability would attach to the bailee, because the act would not be his, and he would not be responsible for the acts of a person between whom and himself there was no connection" (p. 631).

On the other hand, Macnaghten, J., in *Aitchison* v. *Page Motors, Ltd.*, cited a Scots case which he regarded as applicable : *Control Motors (Glasgow) Ltd.* v. *Carrick Garage & Motor Company* (1925), S.C. 796.

A car was entrusted to the defenders for safe custody. Their night watchman, in breach of duty, took it out for his own purposes, and while he was driving it it was damaged. It was held that since the defenders had delegated their duty to keep the car safe to this servant their were responsible.

So, in this case. Mr. Quaglia had authority to take delivery of the car and to drive it back to the garage. While it was in his custody it was in the custody of his employers. His act was regarded as a wrongful act committed during such custody.

It is submitted, with very great respect, that the learned judge erred in his decision. The clear inference from the facts is that Mr. Quaglia was driving for his own purposes. It was not simply a " deviation," a " roundabout " way of arriving at the garage, but a " new and independent journey."

" If the servant in doing any act breaks the connection of service between himself and his master, the act done under those circumstances is not that of the master," as Collins, M.R., said in *Sanderson* v. *Collins* (*supra*), p. 632.

The Fixed Trusts.

A sub-committee of the Stock Exchange Committee has recently been in consultation with the promoters of the fixed trusts, with banks and with other interested parties with a view to framing regulations or suggested new legislation affecting fixed trusts. These trusts number about fifty, and it is estimated that about £45,000,000 has been subscribed to them. The latest result of the deliberations of the sub-committee is an interim report, which, while recommending legislation which can be universally enforced as distinct from mere Stock Exchange regulation, recognises that the fixed trust movement owes its growth " to a genuine public demand for a means by which the comparatively small investor may enter a slightly speculative but clearly defined field of investment with the benefits of a spread risk."

The legislation recommended by the sub-committee is contained in a set of draft regulations appended to the report. These regulations, it is stated, would, if generally enforced, adequately safeguard the interests of the investing public. They deal with such matters as the list of documents and particulars relating to the managers, trustee, securities, etc., which must be sent to the Secretary of the Share and Loan Department when application is made for a certificate of recognition. Only securities which are dealt with on the Stock Exchange are to be included and it is not considered advisable that the amount of any one security to be included when the trust is fully constituted should exceed 2½ per cent. of the total amount of that security dealt in.

The information which circulars (including any descriptive booklets) issued to the public must contain is also set out in full in the draft regulations. Among the disclosures which it is suggested should be compulsory are the names of those by whom the voting power on the securities is to be used, a summary of the provisions of the deed regarding changes in the portfolio, and a statement that a certificate of recognition has been obtained (but that this merely indicates that members of the Stock Exchange are allowed to deal in sub-units and does not imply Stock Exchange approval of the merits of the trust). All references to yields must clearly show whether anything other than cash dividends and cash bonuses has been taken into account and on what basis capital bonuses have been dealt with and what adjustments have been made to allow for decrease in value of affected securities.

Accounts covering the income distribution must be made up by the trustee at least once in every half-year. The accounts must show the amount of cash dividends and bonuses per sub-unit, showing separately those from which tax is deducted and those which are distributed free of tax, other cash receipts which it is proposed to distribute, distinguishing those of a capital nature from those of an income nature, and the remuneration or expenses of the trustees and managers. The accounts must also distinguish between capital and income in showing the net distribution and must show that there was, in the opinion of the trustee, an adequate amount in hand to cover future remuneration.

The managers must also, it is suggested, give an undertaking with regard to a large number of matters. These include the notification of the Share and Loan Department immediately, and certificate holders on the distribution of the next dividend, on completion of any change in the constitution of a unit or sub-unit, the furnishing to the Department and the trustee of detailed statements prepared on any particular day or days showing how the offered and re-purchase price of units or sub-units has been arrived at, based upon the buying and selling prices of the underlying securities as quoted on the Stock Exchange, showing separately in such particulars any loading for the remuneration of the trustee or managers or for expenses ; the notification of the Share and Loan Department forthwith of all proposed alterations in the deed of trust, and at least twenty-one days in advance of the intention to close the books for payment of dividends by warrant or to distribute a dividend by coupon, as well as a number of other matters.

It is also recommended that the trustee must be an insurance company or bank incorporated by Royal Charter, special Act of Parliament, or under the Companies Acts of Great Britain authorised to do trust business, or a company so authorised and affiliated to or owned and controlled by an insurance company or bank. The trust deed must contain satisfactory provision (*inter alia*) that the holders of units and sub-units can transfer their certificates, and that they should be entitled on demand, without payment, to a copy of the last half-yearly account, a copy of the trust deed and any changes in the items comprising the underlying securities since the date at which that account was made up. The trust deed should also contain a clear statement of the trust on which the underlying securities are held by the trustees for the holders of units and sub-units and of the remuneration to be received by the trustee and managers, as well as much other relevant information.

It will be generally recognised that, while no reflection is cast on the activities of the fixed trusts, which cater for a genuine public demand, there is no reason why investors in these trusts should not receive the same legal protection in regard to the securities held by the trusts as is given to investors in other securities. New legislation with regard to the disclosure in the accounts of holding companies of the separate profits and losses of subsidiary companies is overdue, and various other aspects of company law require re-consideration in the light of practical experience. The present is therefore an opportune moment to re-consider these and kindred matters at the same time as those raised in the Stock Exchange Sub-Committee's report.

Company Law and Practice.

The " Just and Equitable " Clause.

Section 168 of the Companies Act, 1929, provides that a company may be wound up by the court if : " . . . (6) the court is of opinion that it is just and equitable that the company should be wound up." At one time this clause was interpreted by the courts in reference to matters *ejusdem generis* as those in the previous clauses of the section ; but later authority has established that such a restricted construction must not be put upon the clause, the words " just and equitable " being words of the

widest significance which do not limit the jurisdiction of the court to any case. The authorities on this question of the general interpretation of the clause are reviewed in the judgment of the Privy Council in *Loch* v. *John Blackwood Limited* [1924] A.C. 783. But, although the words give the court a wide discretion, there must be a strong ground for exercising the power, at any rate at the instance of a shareholder. "It is a power which must not be acted upon unless there is a very strong ground for acting upon it, and for this reason, that these companies are governed by a majority of their own members, and where there is a domestic tribunal which has power to decide upon a question, it should, if possible, be left to that domestic tribunal"—*per* Jessel, M.R., in *In re Langham Skating Rink Company*, 5 Ch.D. 669.

I do not propose in this article to discuss all the kinds of cases in which the court has considered it "just and equitable" to wind up a company; but the recent decision in *In re Davis and Collett Limited* [1935] 1 Ch. 693, illustrates the application of the "just and equitable" rule to what has been called "a partnership in the guise of a private company," where circumstances have arisen in the relations between the partner-shareholders which would have entitled a partner to require the dissolution of a partnership, and which have in consequence been held by the court to furnish a "just and equitable" ground for winding up the company at the instance of a shareholder who is in a position analogous to that of such a partner. In passing, it is not without interest to note that another of the grounds for the making of an order under the "just and equitable" rule, viz., that the substratum of the business of the company has gone, also had its origin in the similar principle applicable to the case of a partnership: see the judgment of Lord Cairns in *In re Suburban Hotel Company*, L.R. 2 Ch. 737, and *In re German Date Coffee Company*, 20 Ch.D. 169.

The case of the private company which is in substance a partnership and in which the business relations of the shareholders are such that it is alleged that it is just and equitable that the company should be wound up, has not, judging from the reports, come before the courts on many occasions, but the authority for the application to such circumstances of the principles of partnership law is well established by the decision in the well-known case of *In re Yenidje Tobacco Company Limited* [1916] 2 Ch. 426. There A and B had formed a private limited company, in which they were the only shareholders and directors. Under the articles of association each had equal rights of management and voting powers, there was no casting vote, and one director was to form a quorum; if any dispute or difference should arise between A and B consequent whereon inability to pass a directors' resolution should result, the matter in dispute was to be referred to arbitration and the arbitrator's award entered in the minute book as a resolution duly passed by the directors. The company's business was for some time carried on successfully, but subsequently differences arose between A and B. One of these differences was referred to arbitration, and, after a protracted and costly hearing, an award was made to which B declined to give effect. B then commenced an action against A for fraudulent misrepresentation, and the parties became so hostile that they ceased to be on speaking terms, and communications had to be conveyed between them through the secretary of the company. In these circumstances A presented a petition alleging that a complete deadlock had arisen, and that it was just and equitable that a winding-up order should be made. Astbury, J., made the order, and his decision was affirmed by the Court of Appeal. Lord Cozens Hardy said this: "Supposing it had been a private partnership, an ordinary partnership between two people having equal shares and there being no other provision to terminate it, what would have been the position? I think it is quite clear under the law of partnership . . . that that state of things might be a ground for dissolution of the partnership for the reasons which are stated by Lord Lindley in his book on Partnership . . . 'Refusal to meet on matters of business, continued quarrelling and such a state of animosity as precludes all reasonable hope of reconciliation and friendly co-operation have been held sufficient to justify a dissolution. It is not necessary, in order to induce the court to interfere, to show personal rudeness on the part of one partner to the other, or even any gross misconduct as a partner. All that is necessary is to satisfy the court that it is impossible for the partners to place that confidence in each other which each has a right to expect, and that such impossibility has not been caused by the person seeking to take advantage of it.'" And later in his judgment Lord Cozens Hardy said: "Ought not precisely the same principles to apply to a case like this where in substance it is a partnership in the form or guise of a private company? It is a private company and there is no way to put an end to the state of things which now exists except by means of a compulsory order. . . . I think that in a case like this we are bound to say that circumstances which would justify the winding up of a partnership between these two by action are circumstances which should induce the court to exercise its jurisdiction under the just and equitable clause and to wind up the company." There was a state of complete deadlock; but apart from this the circumstances were such that the court ought to apply, if necessary, the analogy of the partnership law. And Warrington, L.J., said this: "I am prepared to say that in a case like the present, where there are only two persons interested, where there are no shareholders other than those two, where there are no means of overruling by the action of a general meeting of shareholders the trouble which is occasioned by the quarrels of the two directors and shareholders, the company ought to be wound up if there exists such a ground as would be sufficient for the dissolution of a private partnership at the suit of one of the partners against the other."

In *In re Furriers' Alliance Limited*, 51 Sol. J. 172, where the conditions enumerated by Warrington, L.J., as necessary for the exercise of the power on the "just and equitable" ground were not present, the court refused to make a winding-up order. There the shares were substantially held by the two directors of the company, and they were at loggerheads to such an extent that the business of the company could not be carried on. But there were other shareholders holding altogether five shares, so that it was possible, by referring the matter to a general meeting, the secure the appointment of additional directors; the domestic tribunal was in a position to decide the question and the court refused to interfere.

We now come to *In re Davis and Collett Limited* [1935] 1 Ch. 693. There A and B were the sole directors and shareholders, each being the holder of half the shares of the company. At a board meeting A, by the exercise of his casting vote, purported to bring about the election of his brother X as a director. The agenda paper said nothing about the election of a director. X in fact at that time held no shares, and therefore was not a qualified person within the meaning of the company's articles, which gave power to the directors to elect qualified persons as directors. A further board meeting was held two days later, at which it was proposed by A, seconded by X and carried, that Y be elected a director of the company; Y (who was not qualified) was invited into the board room and took his seat on the board. B objected to the resolution but did not vote. Again the agenda contained no reference to the election of a director. At the same meeting a resolution was passed approving a transfer of one share each to X and Y and they were registered as shareholders. It was then proposed by X and seconded by Y that A should be appointed managing director of the company at a salary; A refrained from voting and B objected to, and voted against, the resolution. Subsequently A, purporting to act as managing director, turned B out of his room at the offices of the company, saying that it was required for Y.

In these circumstances B petitioned for the winding up of the company on the ground that it was just and equitable. It was admitted in argument that there had been irregularities in the election of X and Y as directors and in the appointment of A as managing director; but it was said that such irregularities were no ground for a winding up. Further, it was argued that *In re Yenidje Tobacco Company Limited* (*supra*) was completely distinguished because there a complete deadlock existed, whereas in the present case there was by the company's constitution a majority of voting rights and a person—the chairman of the board of directors—entitled in general meeting and at board meetings to a casting vote.

Crossman, J., however, held that it was a case where it was just and equitable that the company should be wound up. In effect, the position of the petitioner was that he was turned out substantially from anything to do with the management of the company and prevented from taking part in it; and unless he could get the company wound up he was without any remedy in the matter. If it was a case between partners, the learned judge said he would be bound to come to the conclusion that there ought to be a dissolution of the partnership. The company was a private company in the fullest possible sense, A and B holding the capital of the company substantially in equal shares. "On the authorities, and particularly *In re Yenidje Tobacco Company*, I am bound now to consider the position in the same way as I should consider it if the question arose as to the right of one of two partners in a private partnership to have the partnership dissolved. The same circumstances which entitle a partner to require the dissolution of a partnership entitle a person who is equally interested with one other person in a company to have that company wound up on the ground that the circumstances render it just and equitable. That, I think, is the effect of *In re Yenidje Tobacco Company*, and I think that the principles apply here. I take that case, not because the facts in it exactly agree with those in this case, but because of the principles there laid down."

In re Davis and Collett Limited is an interesting case. It is, I think, the first reported English case in which the principles laid down in *In re Yenidje Tobacco Company* have been applied; and it illustrates the application of these principles to a set of facts different from those subsisting in the earlier case. Each case must, of course, depend upon its own facts; but the wide discretion of the court in deciding what justice and equity require is capable of embracing circumstances of a very diverse and novel character.

A Conveyancer's Diary.

Custodian Trustee of Charity.

It appears to happen more frequently than I should have thought likely that a custodian trustee is appointed of a charity. It is a question whether that is advisable in most cases, although it was decided in *Re Cherry's Trusts* [1914] 1 Ch. 83, that it could be done.

In that case it was contended that a trust corporation could not be appointed a custodian trustee of a charity. The argument ran something like this: By s. 2 (5) of the Public Trustee Act, 1906, it is enacted that "The Public Trustee shall not accept any trust exclusively for religious or charitable purposes and nothing in this Act contained or in the rules to be made under the powers in this Act contained shall abridge or affect the powers or duties of the Official Trustee of Charity Lands or Official Trustees of Charitable Funds." Then under s. 4 the Public Trustee is empowered to act as a custodian trustee, and sub-s. (3) of that section provides that "The provisions of this section shall apply in like manner as to the Public Trustee, to any banking or insurance company or other body corporate entitled by rules made under this Act to act as custodian trustee, with power for such company or body corporate to charge and retain or pay out of the trust property fees not exceeding the fees chargeable by the Public Trustee as custodian trustee."

It was therefore contended that as the Public Trustee could not be custodian trustee for a charity, so a company or corporation authorised under the Act could not so act.

It was held that the limitation imposed upon the Public Trustee by s. 2 (5) of the Act did not apply to a company or corporation empowered to act as custodian trustee under s. 4 (3). Consequently what we usually call a trust corporation may be appointed and act as custodian trustee of a charity.

The question, however, arises whether it is advisable to appoint such a custodian trustee in most cases.

I do not see why it is that there appears to be so much disinclination to vest charity lands and funds in the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds.

Especially that is so with regard to investments or other funds, and I do not know what advantage there can be in appointing a custodian trustee in preference to vesting the funds in the Official Trustees. On the other hand, I can see disadvantages which will often arise.

The Charitable Trusts Act, 1853, s. 51, provides for the vesting in the Official Trustees of Charitable Funds such investments or funds held in trust for a charity as the trustees of the charity think fit, and there are provisions for the court in an appropriate case vesting the funds in the Official Trustees. The income arising from the funds is to be paid to the trustees of the charity. In fact the Official Trustees act as custodian trustees but without power to charge. I am sure that the Official Trustees will not be any more difficult than a custodian trustee, but there is a prejudice against them, it seems.

Apart from the question of payment, there is a rather important other matter. By s. 4 (2) (*a*) of the P.T.A., 1906, where a custodian trustee is appointed, "The trust property shall be transferred to the custodian trustee as if he was sole trustee, and for that purpose vesting orders may, when necessary, be made under the Trustee Act, 1893."

It follows that all the trust property must be vested in the custodian trustee, which may be highly inconvenient.

Take the case of a hospital, and assuming that s. 4 (2) (*a*) does not apply to things of daily use such as are required to be changed or renewed from time to time—still there will be a large amount of furniture more or less permanently held that, I take it, must be vested in the custodian trustee, but there does not appear to be any obligation or even power for the custodian trustee to insure such effects nor any provision that the custodian shall be responsible for the preservation of such property. Again many charities depend upon donations and subscriptions for their upkeep. I suppose that a custodian trustee would have to collect all such payments and it might be a difficult question what part thereof should be paid to the trustees of the hospital as income and what part invested as capital.

I have only indicated some of the difficulties that may arise. None of those questions will come up to vex the trustees of the charity where the Official Trustees of Charitable Funds are entrusted with the trust funds, for the trustees of the charity will only vest in the Official Trustees such of the trust property as they think fit and will, of course, generally only so vest such of the funds as are permanent investments or likely to remain so.

The difficulty with regard to land is also puzzling in such cases.

Suppose that land has been conveyed to A and B in fee simple upon trust to permit the same to be used for the purposes of a charity as the trustees or governors of the charity shall think fit. Then A and B are bare trustees without any power of management and I do not see how it is possible to appoint a custodian trustee of the trust created by the conveyance. It would appear to be impossible so to split

up the trust as to enable a custodian trustee to act and charge as such.

Another point which may arise is where funds are given to a charity for specific purposes, e.g., to endow beds in a hospital. I suppose that the mere appointment of a custodian trustee of the charity would not affect such funds which are held upon separate trusts from the general funds of the charity.

I do not see what justification there can be for appointing a custodian trustee of a charity when there are the Official Trustees of Charitable Funds in whom the funds can safely and conveniently be vested.

Whilst on this subject I may again refer to the decision in *Forster* v. *Williams Deacons Bank Ltd.* [1935] 1 Ch. 359.

In that case a sole surviving trustee under a will which gave the trustees no power to charge, being desirous of retiring, by deed appointed a bank to be (A) managing trustee and (B) custodian trustee with a view to enabling the bank to charge fees as custodian trustee.

The bank sought to charge fees and some of the beneficiaries proceeded against the bank for a declaration that it was not entitled to any remuneration whether out of the capital or the income of the trust property for acting as trustee.

It was held by the Court of Appeal (reversing Bennett, J.) that the bank was not entitled to charge for either the deed of appointment operated to appoint the bank an ordinary trustee (and in that case the bank could not charge) or it was inoperative as an attempt to do the impossible by appointing the same single body to hold the divided positions of managing trustees and custodian trustee.

Landlord and Tenant Notebook.

Agreement for tenancy of Garage.

A LANDLORD letting a garage is or should be alive to two matters in particular: insurance and statutory regulations. The former is a matter of bargaining. As regards the latter, it may be prudent to insist on a covenant by the tenant to comply with statutory provisions and regulations made by duly constituted authority.

Such a covenant may come in useful in two ways. It might afford an answer if ever a question of letting for an illegal purpose should arise; and it anticipates changes in the law. At present, the onus of compliance is on the occupier; but one never knows, etc., and the decision in *Monro* v. *Burghclere* [1918] 1 K.B. 29, shows that an expressly conferred discretion to apportion the cost of alterations between landlord and tenant will not be exercised so as to nullify a covenant made in contemplation of a possible change in the law.

The subject-matter of the case mentioned was alterations compulsorily effected under the London Building Acts (Amendment) Act, 1905; but we all know that under many statutes, e.g., the Public Health Acts and the Housing Acts, the tendency has been to get the work done and recover the expense in the first place from whoever is entitled to rent. He may or may not have a right to be reimbursed by his tenant; but Parliament has concerned itself only with the latter's rights and has been careful to preserve them when occasion arises (see the Housing Act, 1925, s. 18 (5) and (7)).

Those statutes which may affect garages, however, at present place responsibility on the occupier only. This is the case with the Explosives Act, 1875, and the Petroleum (Consolidation) Act, 1918,

These enactments prohibit storage of their subject-matter save under licence, but also exempt or provide for the conditional exemption of private persons.

The subject-matter of the Explosives Act, 1875, is divided into two: "gunpowder" (which suggests that our legislators were rather slow in reacting to the event of the 5th November, 1605) and "explosives other than gunpowder"; and while the definition of "explosive" is not very wide, there is power to extend it (s. 104), so it may be worth the attention of a landlord of a garage.

The exemption in this case is up to thirty pounds of explosives destined for private use (s. 5). The person responsible is the occupier—which, by s. 108, includes any number of persons and a body corporate—and in the event of an offence being proved, there is provision (s. 87) by which an innocent occupier may escape liability by proving the guilt of another party, plus his own innocence and due diligence, similar to the provision now contained in the Factory and Workshop Act, 1901, s. 141.

Under the Petroleum (Consolidation) Act, 1928, s. 10, the Minister of Transport may by regulations exempt from the very stringent general requirements those who keep petroleum spirit for use in motor vehicles, motor boats, aircraft, etc. The regulations in force impose a limit of sixty gallons; and the spirit must be kept in metal containers holding not more than two gallons apiece unless at least twenty yards away from buildings and public highways, and then subject to there being retaining walls and to notice being given to the local authority. This hardly interests a landlord; of greater interest for present purposes than the regulations dealing with quantity are those which stipulate for adequate ventilation and for "not readily inflammable" partitions or floors when the garage adjoins or is below a dwelling or place where persons assemble for any purpose. For while here again it is the occupier who must answer for any breach of the law, it is conceivable that a landlord who let as such a garage which did not comply with these requirements would find that he could not recover his rent. There are many authorities, e.g., *Gas Light & Coke Co.* v. *Turner* (1840), 6 Bing. N.C. 324, which would support the proposition that his claim would be barred by reason of illegality.

In effect, I dedicated this article to those advising prudent landlords. It has now occurred to me that possibly a more-than-prudent landlord might be disposed, if he owned and let premises adjoining a garage, to enquire whether the garage might not constitute a breach of covenant for quiet enjoyment. The answer is that he need not worry, at least not while *Harmer* v. *Jumbil* (*Nigeria*) *Tin Areas Ltd.* [1921] 1 Ch. 200, C.A., remains good law. That case concerned the storage of explosives; it was held that possession not being interfered with, and the disturbance of enjoyment not being physical, the covenant was not infringed.

Land and Estate Topics.

By J. A. MORAN.

THERE was a marked falling off in the number of auctioneers' reports of the property market, during last year, that appeared in the press. The fact is, the public are kept in touch with the market every day, and they do not want to be told that a certain firm had just enjoyed a record turnover. There are a few noted exceptions, but, as a rule, there is very little in the compositions to be of any use to speculator or investor.

The only way to compare one year with another is to have all the figures available; but as long as the terms of private transactions are not divulged, it is left to those associated with the market to form their own judgment. And my considered opinion is that more property changed hands last year than in any previous year since the war; prices, even for agricultural land, were on the upward grade.

The Chancellor of the Exchequer has just added his authority to the common opinion that the recovery of employment in this country is largely due to the building boom. He agrees that this cannot continue indefinitely—indeed he thinks that at the present rate "in a comparatively short period the country would be overbuilt." But while

there is a lot to be said in favour of Mr. Chamberlain's contention, we should not lose sight of the fact that the houses built in a hurry for speculative purposes after the war have not given satisfaction, and of the tendency among many of the occupants to clear out and take possession of residences built on more substantial lines. The position is one that merits serious attention on the part of speculative builders who are likely, provided they limit their attention to the right kind of house, even if it costs a bit more, to be kept busy for a long time to come.

The invitations to surveyors by some local authorities to submit tenders for valuations for rating purposes is full of dangers and abuses, and I am glad that the professional organisations are making a combined and determined effort to stop them. It is well to remember that rating surveyors are able to tender only on their individual interpretation of the amount and character of the work to be done; and absence of detail might provide a "look in" to the inexperienced valuer who might be as likely as not to make a mess of the whole business.

Differential rating, as practised at Barnsley, has proved a failure and it has been decided to abolish it. The scheme was put into operation for an experimental period of three months, and the council now state that there was an increase in the aggregate rent arrears instead of the decrease expected. The scheme was launched by a questionnaire concerning income, and to this many tenants took exception.

I did not notice the name of an auctioneer or estate agent in the New Year's Honours List. Mr. A. C. Beck, the King's resident agent at Sandringham, received a C.V.O.

At a recent meeting of the London County Council, it was urged that the substitution of the word "Place" for "Mews" would enhance the value of a property, which is just what the widow Flanagan thought when she discarded "No. 3" on her front door in a terrace of workmen's dwellings and substituted "Sandringham Lodge."

The New Year starts with a total of nearly 60,000 acres owned by the National Trust, or protected by covenants entered into with landowners who pledge themselves against unsightly development. The stage is now reached where the Trust advances largely by its own momentum. The many practical examples of its utility, which exist for all to admire, constitute the kind of advertisement which brings in voluntary offers.

Our County Court Letter.

BANKRUPTCY AFTER DEED OF ASSIGNMENT.

In the recent case of *In re Wilson*, at Chelmsford County Court, an application was made for a proof of debt for £79 to be expunged or reduced; for the rescission of the receiving order, made in May, 1935; and for the dismissal of the Official Receiver's application for adjudication. The debtor's case was that in June, 1928, he entered into a deed of arrangement, under which the whole of his estate was sold. No funds were left for the unsecured creditors, and the debtor (to whom their debts had been assigned) subsequently made an application as their agent, in Shrewsbury County Court, in respect of an alleged breach of trust by the trustee under the deed of assignment. The application was dismissed, and the costs were taxed at £79, this being the amount in respect of which the present petition was presented. The case for the petitioning creditor was that the debtor had no *locus standi*, as he had already been unsuccessful in an application to set aside the bankruptcy notice, and also in his opposition to the receiving order. His Honour Judge Hildesley, K.C., in a reserved judgment, upheld the preliminary objection. The application was therefore dismissed, with costs, and the matter was ordered to proceed to adjudication.

THE DEFINITION OF SECRET COMMISSIONS.

In *Garrett* v. *W. Watson & Co. (Liverpool) Ltd.*, recently heard at Westminster County Court, the claim was for £3 1s. 4d., as money had and received to the use of the plaintiff. The defendants owned a taxi-cab, which was let on hire-purchase to the plaintiff, who was required to pay the insurance premium. The cab cost £465, and was required to be insured in the joint names of the parties, through the agency of the defendants, with a company approved by them. Their commission was the amount claimed by the plaintiff, but the defendants' case was that they were entitled to retain any commission, if returned to them in respect of premiums paid through their agency. His Honour Judge Dumas held that, as the defendants were the agents, they were entitled to commission, and the latter could not be called secret. Judgment was given in their favour, with costs on Scale A.

THE REMUNERATION OF ARCHITECTS.

In the recent case of *Lamb* v. *Morris*, at Chesterfield County Court, the claim was for £17, as the balance of professional fees in respect of the preparation of plans for a house. The plans were approved by the local authority on the 28th July, 1934, and the lowest tender was £637. This was not received until September, and the defendant decided that, in view of the lateness of the season and the amount involved, he would not proceed with the building. In October, however, the plaintiff noticed work in progress on the site, and he therefore rendered an account for £27, viz., 4 per cent. on the lowest tender, or 6 per cent., if the work were accepted. The defendant's case was that he only required a house to cost from £400 to £500, and (having paid the plaintiff £10) he instructed another architect, who prepared plans for a £530 house. The proper remuneration for the preparation of plans and obtaining tenders (without supervising the erection) was 1 per cent. on the cost of the house. Even if supervising were included, the charge should not exceed 5 per cent. His Honour Judge Longson was not satisfied that there was an agreement for remuneration to be based upon the lowest tender, or that the plaintiff should supervise the work. The amount already paid was adequate for the plans and tenders, and judgment was therefore given for the defendant, with costs.

Obituary.

MR. S. E. WILLIAMS.

Since publishing the notice of Mr. Williams's death in last week's issue, we have received the following further information:—

Mr. Sydney Edward Williams was born in 1850, and was educated at Cheltenham and Christ's College, Cambridge. He was a member of Lincoln's Inn for sixty-one years. His time was spent mainly in legal authorship, some of his works being "Legal Representatives" (1899), "Outlines of Equity" (1900), "Petitions in Chancery and Lunacy" (1880), and "The Law of Account" (1899). He also edited a number of legal works, and was co-editor of "Mew's Digest of English Case Law."

MR. F. COPELAND.

Mr. Frederick Copeland, solicitor, of Wolverhampton, died on Wednesday, 1st January, in his seventy-seventh year. Mr. Copeland was admitted a solicitor in 1893.

MR. R. DALLOW.

Mr. Richard Dallow, solicitor, partner in the firm of Messrs. Dallow & Dallow, of Wolverhampton, died at Tettenhall on Sunday, 22nd December, 1935, at the age of sixty-nine. Mr. Dallow served his articles with Mr. J. W. Littlewood, of Wellington, and was admitted a solicitor in 1887. He had been deputy Borough Coroner of Wolverhampton, and he

was Clerk to the Commissioners of Taxes for the Seisdon Division. He had also been President of the Wolverhampton Law Society.

MR. N. D. HAINES.

Mr. Nigel Decimus Haines, solicitor, of Newnham-on-Severn, died recently. He was admitted a solicitor in 1892.

MR. P. B. SEARL.

Mr. Percy Bruce Searl, solicitor, of Ealing and Acton, died in London on Saturday, 4th January. Mr. Searl was admitted a solicitor in 1896.

MR. A. W. WEYMAN.

Mr. Arthur William Weyman, retired solicitor, of Ludlow, died on Thursday, 26th December, 1935, at the age of seventy-five. Mr. Weyman was admitted a solicitor in 1883, and was a member of the firm of Messrs. Weyman & Co., of Ludlow. He had been Registrar to Ludlow County Court for many years, and had also been Clerk to the old Ludlow Highway Board, the Ludlow Rural District Council, the Ludlow Board of Guardians, and Superintendent Registrar of the Ludlow District.

Reviews.

Libel. By EDWARD WOOLL. 1935. Demy 8vo. pp. 250. London and Glasgow: Blackie & Son, Ltd. 7s. 6d. net.

This is the story in book form of the play which had a very successful run on the London stage about two years ago. The author, Captain Edward Wooll, O.B.E., Barrister-at-Law and Recorder of Carlisle since 1929, is to be congratulated on writing such an exciting novel. More than half the book is taken up with a record of the trial, which is admirably set out. We found the story extremely interesting, and heartily recommend it to our readers.

Sweet & Maxwell's Diary for Lawyers, 1936. Edited by PHILIP CLARK, of the Central Office, Royal Courts of Justice. Demy 8vo. London: Sweet & Maxwell, Ltd.; Manchester: Meredith, Ray & Littler. 6s. 6d. net.

This popular diary provides a page for each day, and may be obtained with or without money columns. The 1936 edition, the forty-fourth of the series, contains 650 pages of useful legal information which has been revised up to the date of publication. The diary is also obtainable interleaved with plain paper, in which case the price is 12s. 6d. net.

The Housing Acts, 1899–1935. By ARTHUR HENDERSON, B.A., LL.B. (Cantab.), of the Middle Temple, and of the North-Eastern Circuit, Barrister-at-Law, and LESLIE MADDOCK, B.A. (Oxon), of the Inner Temple, and of the Midland Circuit, Barrister-at-Law. 1935. Demy 8vo. pp. xix and (with index) 604. London: Eyre & Spottiswoode (Publishers), Ltd. 30s. net.

In a foreword Mr. Arthur Greenwood intimates that this volume will prove to be of great value, not only to the legal profession, but to all who are engaged in the administration of housing legislation—a claim which on a perusal of the work is, in our view, amply justified. The explanation of existing housing law, which covers nearly ninety pages and embraces the restrictions on roadside development introduced by the Restriction of Ribbon Development Act, 1935, is a constructive piece of work, and not a mere analysis of the various statutory provisions. The bulk of the work is occupied by the Housing Act, 1935 (text and annotation), and such portions of the earlier Housing Acts as are still in operation, including the Acquisition of Land (Assessment of Compensation) Act, 1919. The annotations relating to the new Act, if somewhat brief, are practical and helpful, particularly from the standpoint of those concerned with the Act in an administrative capacity. The statement on p. 235 that in confirming a clearance order the Minister of Health is not a judge but an administrative officer should have been balanced by the observation that once an objection has been made he acts in a quasi-judicial capacity. There is a list of regulations, circulars, memoranda, etc., while the text and schedule of the Housing Acts (Form of Orders and Notices) Regulations, 1935, are set out in full.

Books Received.

Daly's Club Law. Fourth Edition, 1936. By C. J. COLLINGE, B.A. (Oxon), Second Clerk, Bow Street Police Court, London. F'cap 8vo. pp. xxix and (with Index) 228. London: Butterworth & Co. (Publishers), Ltd. 6s. net.

The Law of Arbitration. By QUINTIN MCGAREL HOGG, M.A., Fellow of All Souls College, Oxford, of Lincoln's Inn, Barrister-at-Law. 1936. Royal 8vo. pp. lvii and (with Index) 383. London: Butterworth & Co. (Publishers), Ltd. 21s. net.

Road Accidents and Speed Limits. By OWNER DRIVER. 1935. London: E. & F. N. Spon. 6d. net.

The Gold Clause. By ARPAD PLESCH, Dr. Jur. (formerly of the Hungarian Bar). Second Edition. 1936. Crown 4to. pp. vii and 119. London: Stevens & Sons, Ltd. 7s. 6d. net.

Who's Who, 1936. Demy 8vo. pp. lx and 3,730. London: A. & C. Black, Ltd. 60s. net.

[All books acknowledged or reviewed can be obtained through The Solicitors' Law Stationery Society, Limited, London, Liverpool and Birmingham.]

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* THE SOLICITORS' JOURNAL.]

The Legal Education of Articled Clerks.

Sir,—I read with interest "Practising Solicitor's" remarks on the above subject; with a good many of these I agree.

I doubt whether his criticism of The Law Society's School is altogether well informed; it does not, according to my experience, apply to the Provincial Law Schools. However, I can leave those more knowledgeable on the subject than I to reply to him, if they wish, about the London School.

I agree with him as to the advisability of a compulsory year of legal education prior to articles, except in the case of those who have obtained a law degree at their university. I think most of Mr. Bischoff's colleagues on the Legal Education Committee, of whom I am one, would like to see such an arrangement an established fact.

Where I join issue with "Practising Solicitor" is in the very strong feeling which I have that, after the student has taken his year's study before articles, he should, subsequent to articles, continue his studies at a suitable law school for another two years. That is to say, his first year should, if possible, be spent in studies for the Intermediate LL.B. Examination, and his subsequent two years in those for the final one; a three years' course is little enough.

I have personally had a series of articled clerks for the last fifteen years. Assuming, as I believe is almost invariably the case, that the hours of the lectures are fixed at as convenient times as possible, I don't think there is any real difficulty, given a little goodwill, in a student attending lectures, and at the same time taking a thoroughly good part in the practical work of the office.

EDWARD BRAMLEY,
Chairman of the Yorkshire Board of Legal Studies.

Sheffield.
7th January.

To-day and Yesterday.

Legal Calendar.

6 January.—"The 6th [January, 1684] about 6 in the morning, broke out a fire in Graies Inn, in Chappell Court, in the chamber of one Sir John Bowles; it burnt very furiously, being in so dry a season that no water was to be had in a long while; it consumed two or three whole staircases; but at last, by blowing up and the engines, it was happily extinguished; there were three persons killed at it, and three or four gentlemen of the house had all their goods and books burnt." As a result it was ordered that the Treasurer "doe provide a good fier engine and twenty hand engines and sixty bucketts and fire hookes . . ."

7 January.—In October, 1831, the House of Lords rejected the great Reform Bill, and almost immediately riots broke out up and down the country. At Nottingham they were so serious that early in 1832 a Special Commission sat to try the offenders. On the 7th January, George Mearson, Thomas Shelton and John Armstrong were tried for their part in the looting and burning of a mill worth £14,000. They had been seen with the mob throwing goods from the windows and setting light to machinery. All three were found guilty and condemned to death, but the sentence of one was commuted.

8 January.—On the 8th January, 1753, Sir Thomas Burnet, one of the judges of the Court of Common Pleas, died of gout in the stomach at his house in Lincoln's Inn Fields. In his will he declared: "That as I have lived so I trust I shall die, in the true faith of Christ as taught in the Scriptures; but not as taught or practiced in any one visible church I know of, tho' I think the Church of England is as little stuffed with the inventions of men as any of them." Though the son of the great Bishop Burnet, he passed a wild youth for which he atoned by mature gravity.

9 January.—On the 9th January, 1856, a young woman, called Mary M'Neill, was tried at the Old Bailey for murdering her two children by cutting their throats with a razor. She had been suffering from delusions and imagined that they had no clothes to go out in. Her father was confined in an asylum as an incurable lunatic, and the medical evidence induced the jury to acquit her on the ground of insanity. She was ordered to be detained during the Queen's pleasure.

10 January.—Robert Bloet was one of the Conqueror's Chancellors. While Keeper of the King's Conscience, he induced him to bestow on him the Bishopric of Lincoln, long vacant, so that its temporalities might swell the Royal revenue. He received it only in exchange for large pecuniary contributions. He died on the 10th January, 1123, having fallen from his horse in a fit during a royal hunt at Woodstock. Coke says that "he lived without love and died without pity, save of those who thought it pity he lived so long." It is true he was worldly, but others praised him for his handsome presence and the sweetness and affability of his manners and conversation.

11 January.—On the 11th January, 1865, Ferdinand Kohl, a young German sugar baker, was tried at the Old Bailey for the murder of John Fuhrop, a countryman of his. A jury of six Englishmen and six foreigners found him guilty, and Mr. Justice Blackburn sentenced him to death. Fuhrop had been last seen alive going for a walk with Kohl. Five days later his headless body had been found in the Plaistow marshes. He had stopped in England on his way to America, and the money that he carried had aroused the covetousness of his murderer.

12 January.—John Jervis, born on the 12th January, 1802, was destined to become Chief Justice of the Common Pleas. His father was first a "silk" on the Oxford Circuit and later a judge on the Chester Circuit.

The Week's Personality.

John Jervis followed the footsteps of his father when he took up the practice of the law, travelling first the Oxford and then the Chester Circuit. In London he devoted his attention to the Court of Exchequer, recording its decisions as a law reporter. In politics he was a Liberal, and in the first Reform Parliament he represented Chester. This venture was not unrewarded, for when Sir Thomas Wilde became Chief Justice of the Common Pleas in 1846 he succeeded him as Attorney-General, a post which he filled for four years with universal approbation. Four years later, when Wilde was promoted to the more elevated honours of the Great Seal, the Woolsack and the Queen's Conscience, Jervis again succeeded him and rose to the Bench, where he served till his death six years later. Illness sometimes made him irritable, but he was an excellent judge and a forceful personality. One of his sayings was that mankind was divided into two classes—fools and damned fools. He thanked God he had been born a fool! He had hearing almost preternaturally acute, a gift which unwary practitioners in his court did well to remember, if whispered consultations were not to lead to discomfiture in the revelation of little disclosures not meant for the Bench.

Lord Reading.

The late Lord Reading's style did not tend to gather a cloud of anecdotes about his name, but those that are told of him are generally excellent. I like particularly the story of the banquet at which his fellow guest, Mr. Lloyd George, made a speech, in the course of which he turned to him and apostrophised him in Welsh. Lord Reading did not understand a word of the language, but, not to be outdone, he rose and recited a psalm in Hebrew with a wealth of impressive inflection and gesture. "When I had finished," he said afterwards, "the only persons who did not think I had replied in Welsh were a few Welshmen present. The rest of the company were greatly impressed by the range of my linguistic attainments." His reply to one who asked to what he attributed his extraordinary success does not give would-be imitators much to work on. He said: "The only thing I can tell you is that, firstly, I always feel well and in good spirits. And, secondly, I seem to have an intuitive power of putting my finger on the crucial point in any case in which I am pleading and always keeping that point in mind throughout the trial."

The Jurors' Pay.

The jurymen in the *Stavisky Case*, who threatened to strike for higher fees than the customary 12 francs a day (less a 10 per cent. cut) and who succeeded in obtaining from a reluctant Ministry a full 50 francs, will probably be remembered as pioneers in legal history, like the Sudbury jury in 1791, who, kept without food, but unable to agree on their verdict, at last battered down the door of the room in which they were confined and went home to dinner. Thereafter, no more were jurors starved into a unanimous verdict. How hard was once the lot of jurymen may be measured by the judge's answer to the jury at the trial of Colonel Lilburne, in 1649, when, after sitting continuously for nine hours, they begged for a cup of sack to moisten their throats before retiring. He said: "I may not give you leave, to have my conscience to err . . . you shall have light if you please . . . but sack you can have none, and, therefore, withdraw about your work." As for the Stavisky jury, it seems that they would not have been contented with the reply once sent by a judge to a juror who complained of being paid nothing for his attendance: "Tell him that if ever he should have to be tried himself, he will get a jury for nothing!"

Lord Allen of Hurtwood has accepted the office of Honorary President of the National Council for the Abolition of the Death Penalty, in place of the late Lord Buckmaster.

Notes of Cases.

Court of Appeal.

Lowe (Inspector of Taxes) *v.* Peter Walker (Warrington) and Robert Cain & Sons, Ltd.

Lord Wright, M.R., Romer and Greene, L.JJ.
11th and 16th December, 1935.

Revenue—Income Tax—Employee's Benefit Fund Established by Company—Assets Contributed by Company—Transfer of Assets of Fund to Another Fund Capable of Approval for Purposes of Income Tax Privileges—Whether a "Sum Paid by an Employer . . . by way of Contribution Towards a Superannuation Fund"—Finance Act, 1921 (11 & 12 Geo. 5, c. 32), s. 32 (1).

Appeal from a decision of Finlay, J. (79 Sol. J. 670.)

Pursuant to an agreement made in 1921 at the company's formation, an agreement was entered into in 1923 between the company and certain trustees for the creation out of capital of a benefit fund for the company's staffs and employees. Under the earlier agreement, 50,000 fully paid ordinary shares in the company were set aside as a nucleus for the fund. By the 1923 agreement these shares were allotted to the trustees, who were to hold the fund, and any other contributions which the company might at any time make. The benefit scheme was not to be contributed to by the employees. Clause 22 of the agreement provided that the company might from time to time "revoke or alter any of the trusts powers and provisions contained in these presents and may declare new trusts to the exclusion of or in addition to all or any of the trusts, powers and provisions herein contained." In 1928 the assets of the fund had increased to £95,000, of which the company had contributed £80,000. By then the original 50,000 ordinary shares had been sold and the proceeds put into other investments. The fund not being capable of approval by the Commissioners of Inland Revenue as a superannuation fund within s. 32 of the Finance Act, 1921, and the company's contributions being accordingly denied the income tax privileges given by the section in the case of an approved fund, it was agreed that the power of revocation given by cl. 22 should be exercised by the company as to investments worth £78,303 then forming part of the fund, and that, having been withdrawn, these investments should be used to set up a new fund capable of approval by the Commissioners under s. 32. This sum represented partly the proceeds of the sale of the original 50,000 shares and partly investments made with cash contributions of the company. Finlay, J., held that the transfer was a payment within s. 32 and was allowable as a deduction in computing the company's profits for income tax purposes under Case 1 of Sched. D. The Crown appealed.

Lord Wright, M.R., dismissing the appeal, said that it was a well-recognised practice for a company to provide a benefit fund for its employees, and this company had express powers to provide money for this purpose. In *Kirby* v. *Wilkins* [1929] 2 Ch. 444, the principle that a company could not own its own shares was explained in relation to an allotment of shares to trustees. In the present case the allotment was validly made. The trusts under the original deed had been revocable and, therefore, the company had not been able to claim the benefit of s. 32. It was to take advantage of s. 32 that the revocation took place. It had been argued that the power of revocation was not absolute, but was limited, and subject to the condition that the revocation must be coupled with re-settlement for the purposes of the original trust. On the construction of cl. 22, the power was absolute. On revocation, there came into operation the other power that the company might create new trusts. The fund was created for a specific purpose, a legitimate and proper use of the company's resources. *Eland* v. *Baker*, 29 Beav. 137, cited as to the construction of the power of revocation, was a decision concerned with quite a different matter (see "Farwell on Powers," 3rd ed,. p. 463), and it was no authority in this case.

Romer and Greene, L.JJ, agreed.

Counsel: *The Solicitor-General* (Sir Donald Somervell, K.C.), *R. Hills and J. Stamp; Latter*, K.C., and *F. Talbot.*

Solicitors: *Solicitor of Inland Revenue; Mayo, Elder & Rutherfords.*

[Reported by Francis H. Cowper, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Roberts *v.* Dolby; Usher *v.* Same.

Lord Hewart, C.J., Goddard and Singleton, JJ.
12th November, 1935.

Juvenile Courts—Procedure—Irregularities—Publication of Details of the Proceedings contrary to Statute—Whether excused by Irregularities—Children and Young Persons Act (23 & 24 Geo. 5, c. 12), ss. 47 (2), 49 (1).

Appeal by case stated from a decision of the justices of the Parts of Lindsey.

Informations were preferred charging the appellants, the editors of two newspapers, with having published in their respective newspapers reports of proceedings in a juvenile court calculated to lead to the identification of the children concerned in the proceedings. At the hearing of the informations on the 10th April, 1935, the following facts were proved or admitted: On the 12th March, 1935, there was an application to a juvenile court pursuant to ss. 61 and 62 of the Children and Young Persons Act, 1933, in respect of two children, aged ten and twelve years respectively, who were alleged to be under improper guardianship and in moral danger. The court consisted of two justices duly appointed to the juvenile court. The court sat in the same room as another court which was to sit later the same day to hear charges against adults. The anteroom usually used for holding juvenile courts was inadequate to accommodate all the persons whose attendance was necessary. Before the proceedings began, orders were given that persons not legally entitled to be present at juvenile courts should be excluded from the court room, and no unauthorised persons were in fact present at the hearing. The police officer in charge of the court said that the clerk to the justices explained to the justices that the proceedings were to be under the 1933 Act in tones loud enough to indicate to all present that the court was a juvenile court. Subsequently the appellants published in their newspapers reports of the proceedings, giving details, including the name of the children's school, which might enable those reading the report to identify the children. Section 47 (2) of the Act of 1933 provides that a juvenile court shall sit in a different room from that in which the sittings of other courts are held. Section 49 (1) forbids the publication of details calculated to lead to the identification of children concerned in cases. It was contended for the appellants that no offence had been committed under s. 49 (1) because the provisions of s. 47 (2) had not been complied with. The justices were of opinion that, although there had been certain departures from the procedure prescribed for juvenile courts, the court in question was none the less properly constituted, and they convicted and fined the editors, who appealed.

Lord Hewart, C.J., said that in his opinion the justices had arrived at a correct conclusion. The fact that there might have been some degree of departure from the rules for the conduct of juvenile courts did not excuse breach of the statute by the appellants. This had clearly been a juvenile court, and the appeals must be dismissed.

Goddard and Singleton, JJ., agreed.

COUNSEL: *Quintin Hogg*, for the appellants; *G. H. B. Streatfeild*, for the respondent.

SOLICITORS: *Theodore Goddard & Co.; R. A. C. Symes and Co.*, Scunthorpe.

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

William Denby & Sons Ltd. *v.* **Minister of Health.**

Swift, J. 29th and 30th October, 16th December, 1935.

HOUSING—CLEARANCE ORDER—PUBLIC LOCAL ENQUIRY—REPORT BY INSPECTOR—ORDER CONFIRMED BY MINISTER OF HEALTH—WHETHER OWNER OF PROPERTY AFFECTED BY THE ORDER ENTITLED TO SEE REPORT—HOUSING ACT, 1930 (20 & 21 Geo. 5, c. 39).

Appeal under s. 11 of the Housing Act, 1930.

On the 12th June, 1934, the Baildon Urban District Council made, under the Act, two clearance orders affecting property owned by the applicant company, who thereupon lodged with the Minister of Health notice of their objection to the inclusion of their property in the orders. On the 17th July, 1934, the Minister caused a public local enquiry to be held, at which the applicants were represented by a solicitor, and at which evidence was given on their behalf. On the 5th October, 1934, the Minister confirmed the clearance orders, excluding from them only a part of the applicants' property. The company applied to the court questioning the validity of the confirming orders on the ground that they were not within the powers conferred by the Act. The ground of the application was that the confirming orders had been made by the Minister without his giving the applicants an opportunity of seeing the report made to him by the inspector who held the enquiry.

SWIFT, J., said that the sole question to be decided was whether a person whose property was affected by a clearance order made under the 1930 Act was entitled to see the report made to the Minister of Health by the person whom he caused to hold a public local enquiry under the Act. There was no doubt, as had been held by the Court of Appeal in *Errington* v. *Minister of Health* [1935] 1 K.B. 249, that, once notice of objection to a clearance order had been given, the Minister must be regarded as a person exercising quasi-judicial functions, and that he was bound by the rules of conduct applicable to such a person. But no officer of state who had to administer an Act of Parliament was a judicial officer. He was an administrative officer carrying out the duties of an administrative office and administering the provisions of Acts of Parliament. He must, in performing acts which required him to interfere with the rights and property of individuals, act fairly and in accordance with the dictates of ordinary justice. In his (his lordship's) view, the person holding the enquiry was also not merely a collector of information his report on which the parties were entitled to see and criticise before the Minister made his decision. The question had been conclusively decided by *Local Government Board* v. *Arlidge* [1915] A.C. 120, where it had been held that an appellant to the board was not entitled to see the report made by the board's inspector. It had been argued that the Legislature meant to draw a distinction between the position of the Local Government Board under the Housing, Town Planning etc. Act, 1909, and that of the Minister of Health under the Housing Act, 1930, and that the report of an inspector under the earlier Act differed from a report made to the Minister under the later Act. No such distinction could, however, properly be drawn. The Minister, like the board, was an administrative officer upon whom lay the duty of deciding whether an order of the local authority should or should not be effective, and there was nothing in the difference of phraseology between the two Acts which entitled the court to hold that, while the report made by the one subordinate to his principal was, that made by the other was not, subject to disclosure. The appeal must therefore be dismissed.

COUNSEL: *H. A. Hill*, for the applicants; *The Solicitor-General* (Sir Donald Somervell, K.C.), and *R. C. Essenhigh*, for the Minister.

SOLICITORS: *Turner & Co.*, Agents for *W. B. D. Shackleton*, Bradford; *Solicitor to the Ministry of Health.*

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

High Court—Chancery Division.

In re **Sherborne Gas & Coke Co. Ltd.**

Bennett, J. 9th December, 1935.

COMPANY—ESTABLISHMENT BY DEED OF SETTLEMENT—REGISTRATION—MEMORANDUM AND ARTICLES SUBSTITUTED FOR DEED—COMPANIES (CONSOLIDATION) ACT, 1908 (8 Edw. VII, c. 69), Pt. VII—COMPANIES ACT, 1929 (19 & 20 Geo. 5, c. 23), ss. 5, 317, 334.

In 1836 the company was established by deed of settlement. In 1875 it was registered under Pt. VII of the Companies Act, 1862, as an unlimited company. In 1909 the deed, with the exception of the statement of the company's objects, was rescinded by special resolution, being superseded by articles of association. In 1910 the company was registered under Pt. VII of the Companies (Consolidation) Act, 1908, as a company limited by shares, "Limited" being added to its name. In 1935 it was resolved at an extraordinary general meeting that under and subject to ss. 5 and 334 of the Companies Act, 1929, a memorandum and new articles of association should be substituted for the deed and the existing articles as the company's constitution. A petition was presented for confirmation by the court.

BENNETT, J., granting the petition, said that under s. 317 of the Act of 1929 a company registered under the Act of 1908, though not formed under it, having a deed of settlement and not a memorandum and articles, could, if it satisfied s. 5 of the Act of 1929, by virtue of s. 334, substitute a memorandum and articles of association, though it was not registered in pursuance of Pt. IX.

COUNSEL: *P. Sykes.*

SOLICITORS: *Collyer-Bristow & Co.*, agents for *Bartlett & Sons*, of Sherborne.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

In re **Vernon Heaton Co. Ltd.**

Bennett, J. 16th December, 1935.

COMPANY — COMPULSORY WINDING UP—HIGH COURT — TRANSFER TO COUNTY COURT—JURISDICTION—SHARE CAPITAL EXCEEDING £10,000—JUDGE'S REFUSAL TO DEAL WITH SUMMONS—REMEDY—COMPANIES ACT, 1929 (19 & 20 Geo. 5, c. 23), ss. 163, 165.

In 1926 the company was incorporated with a nominal capital of £50,000. In 1934 a compulsory winding up order was made by the High Court. In April, 1935, on the liquidator's application, an order was made transferring the proceedings to the county court. In July, 1935, the county court judge refused to deal with certain matters raised by a summons issued in the winding up on the ground that under s. 163 (2) of the Companies Act, 1929, he had no jurisdiction to do so as the company's capital exceeded £10,000. An application was then made to re-transfer the proceedings in the winding up to the High Court.

BENNETT, J., refusing the application, said that under s.165 of the Companies Act, 1929, the High Court had jurisdiction to transfer any proceedings in the winding up of a company from the High Court to any court having jurisdiction to wind up companies. *In re Real Estates Company* [1893] 1 Ch. 398, only applied to a case where the court had no jurisdiction to wind up at all. The court had jurisdiction to transfer these proceedings to the county court and the county court then had jurisdiction to deal with any matter within the winding up. On the county court judge's refusal to do so the

proper remedy was not to re-transfer to the High Court but to apply for a *mandamus*.

COUNSEL: *A. E. Clark*; *J. Lindon*.

SOLICITORS: *Gregory, Rowcliffe & Co.*, agents for *Clutterbuck & Co.*, of Carlisle; *Stafford Clark & Co.*

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Railway and Canal Commission.

In re Valuation Roll of the London & North Eastern Railway; and *In re* an Appeal by Cleethorpes Urban District Council.

MacKinnon, J., Sir Francis Taylor, K.C., and Sir Francis Dunnell. 15th October, 1935.

RATING—PIER AND ORNAMENTAL GARDENS—WHETHER A "RAILWAY HEREDITAMENT"—RAILWAYS (VALUATION FOR RATING) ACT, 1930 (20 & 21 Geo. 5, c. 24), s. 1 (3).

Appeal by Cleethorpes Urban District Council against a decision of the Railway Assessment Authority including the pier and ornamental gardens at Cleethorpes, the property of the London & North Eastern Railway Company, in the valuation roll of that company. The pier was originally built by a company under the Pier and Harbour Orders Confirmation Act, 1867. At that time there had been sufficient water for boats to land passengers at the pier. Some time ago the water receded, and the pier can now only be used for recreation purposes. The gardens are on the top of a seawall originally built by the railway to protect their line, but now unnecessary for that purpose. Negotiations were on foot for the sale of both pier and gardens to the district council by the railway company. For the appellants, it was contended that if this property were included as part of a railway undertaking every piece of property owned by a railway company would have to be so included, that this case was different from that of the Newcastle Bridge (79 SOL. J. 817), and that the gardens and pier were in no sense necessary for the undertaking of the railway company. For the railway company, it was contended that the pier and gardens were more directly subsidiary to the undertaking of the company than was the bridge at Newcastle and that they were a railway hereditament within the meaning of s. 1 (3) of the Railways (Valuation for Rating) Act, 1930.

MACKINNON, J., said that the appellants' argument really tended to a misreading of s. 1 (3) of the 1930 Act, as if the words used to define "railway hereditament" had been, "any hereditament occupied by a railway company for the purpose of its railway business." Carrying on the pier and gardens might have nothing to do with running the railway, but they were hereditaments occupied for the purposes of the undertaking of the railway company. Having regard to the statutes which authorised the railway company to occupy the gardens and pier, there was in his (his lordship's) opinion, no answer to the conclusion that they formed part of a hereditament occupied for the purposes of the railway company, and the appeal must accordingly be dismissed.

Sir FRANCIS TAYLOR, and Sir FRANCIS DUNNELL agreed.

COUNSEL: *Comyns Carr*, K.C., and *Michael Rowe*, for the appellants; *Erskine Simes* for the Railway Assessment Authority; *Walter Monckton*, K.C., *Trustram Eve*, K.C., and *A. Tylor*, for the railway company.

SOLICITORS: *Gibson & Weldon*, for *A. S. Barter*, Cleethorpes; *Torr & Co.*: *I. B. Pritchard*.

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

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The Law Society.

HONOURS EXAMINATION.

NOVEMBER, 1935.

The names of the Solicitors to whom the candidates served under Articles of Clerkship are printed in parentheses.

At the Examination for Honours of Candidates for admission on the Roll of Solicitors of the Supreme Court, the Examination Committee recommended the following as being entitled to Honorary Distinction:—

FIRST CLASS.

(In Order of Merit.)

1. William Michael Baker (Mr. Bernard Richard Everett, Mr. Edgar Charles Chancellor and Mr. Albert Fletcher, all of the firm of Messrs. Stoneham & Sons, of London); Philip Stephen Burnett, B.A. London (Mr. Arthur Kitching, of Pickering).
2. Ronald Crowther, LL.B. Leeds (Mr. Reginald Michell Grylls, of the firm of Messrs. Cadman, Grylls & Co., of Cleckheaton); Abraham Goodman, LL.B. London (Mr. Harold Frederick Rubinstein, of the firm of Messrs. Rubinstein, Nash & Co., of London); Henry Peck (Mr. William Henry Watson, of the firm of Messrs. W. H. Watson & Co., of London); Theodore Joseph Christopher von Sobbe Taylor, LL.B. Liverpool (Mr. William Ernest Taylor, of the firm of Messrs. Banks, Kendall, Taylor and Gorst, of Liverpool).

SECOND CLASS.

(In alphabetical order.)

George Frederick Curtis Avant (Mr. Gordon Hugh McMurtrie, of the firm of Messrs. Tozer, Edwards & McMurtrie, of Dawlish).

William Paul Barrell, LL.B. Liverpool (Mr. William John Barrell, LL.B., of the firm of Messrs. Syers, Dixon & Barrell, of Liverpool).

Geoffrey Noden Bell (Mr. Eustace Bowles, of the firm of Messrs. Knight & Sons, of Newcastle-under-Lyme).

James Graeme Bryson, LL.M. Liverpool (Mr. John Conway Bryson, of the firm of Messrs. T. J. Smith & Son, of Liverpool.

Edmund Valentine Chiswell (Mr. Charles Gordon Bonser, of the firm of Messrs. Rexworthy, Barnard & Bonser, of London).

George Francis Heffernan Dennehy (Mr. Edward Coleman Simmons, of the firm of Messrs. Simmons & Simmons, of London).

William Richard Gowers, B.A. Cantab. (Mr. Harvey Forshaw Plant, of the firm of Messrs. Gregory, Rowcliffe and Co., of London).

Douglas Linley Gulland (Mr. Charles Harold Ellis, of the firm of Messrs. Ellis & Ellis, of Maidstone; and Messrs. Candler, Sykes & Dore, of London).

James Alexander Stewart Hamilton, B.A. Oxon (Mr. Hugh Quennell, of the firm of Messrs. Slaughter & May, of London).

Ambrose John Hutton-Squire, B.A. Cantab. (Mr. Geoffrey Arthur Holme Bower, of the firm of Messrs. Bower, Cotton and Bower, of London).

Harry Kirk, B.A. Oxon (Mr. Herbert Ashling, of Bournemouth).

Arthur Reginald Cox Marler (Mr. Thomas Edge Sproston, of the firm of Messrs. Sproston & Son, of Newcastle-under-Lyme; and Mr. Albert Martin Oppenheimer, C.B.E., of London).

Harold Miller, LL.B. London (Mr. Lucien Fior, of London).

Peter Albert Nigel Milmo, B.A. Cantab. (Mr. Graham Smith, of the firm of Messrs. Powell, Skues & Graham Smith, of London).

Cecil Henry Netcott, LL.B. London (Mr. Ernest Arthur Painter, of the firm of Messrs. Cooke, Painter, Spofforth & Co., of Bristol).

Sidney James Nutt (Mr. Percival George Wright, of the firm of Messrs. T. H. Mundell, of London).

Ronald Jamieson Parker (Mr. Charles Reynolds Scorer, of the firm of Messrs. Burton & Co., of Lincoln).

Alan Paterson, B.A., LL.B. Cantab. (Sir Alfred Baker, J.P., of the firm of Messrs. Kenneth Brown, Baker, Baker, of London).

Percy John Pepler (Mr. Fred James Finch, of the firm of Messrs. Pinniger, Finch & Co., of Westbury, Wiltshire).

Richard Lancelot Robinson, LL.B. London (Mr. Frederick Appleby Holt, O.B.E., B.A., LL.B., of the firm of Messrs. Birkbeck, Julius, Edwards & Co., of London).

Anthony Charles Graham Rothera (Mr. Wilfred Sigismund Rothera and Mr. John Henry Husbands, both of the firm of Messrs. Rothera, Sons & Husbands, of Nottingham).

Gordon Sheldon (Mr. James Sumner Pollitt, of New Mills).

George Wilfred Taylor (Mr. Richard Earnshaw Taylor, of the firm of Messrs. Drury & Taylor, of Goole).

Ernest Lawrence Thackray, LL.B. Manchester (Mr. Henry Cardwell, M.A., LL.B., of the firm of Messrs. Tatham, Worthington & Co., of Manchester).

Dudley James Ward (Mr. Samuel Pugh Roberts, of the firm of Messrs. Blake, Lapthorn, Roberts & Rea, of Portsmouth).

Harry Dewar Wight (Mr. Henry North Lewis, of the firm of Messrs. Middleton, Lewis & Clarke, of London).

THIRD CLASS.

(In alphabetical order.)

Sydney Corbin Nicholls Beavan (Mr. Thomas Nicholls Beavan, of the firm of Messrs. Weld & Beavan, of London).

Godfrey Charles D'Arcy Biss, M.A. Oxon (Mr. Roland Thomas Outen, of the firm of Messrs. Ashurst, Morris, Crisp and Co., of London).

Frederick Osborne Bullough, LL.B. Manchester. (Mr. Joseph Campbell, of the firm of Messrs. Campbell & Pasquill, of Wigan.)

William Henry Morton Clifford, M.A. Cantab. (Mr. John Cowper Knocker, of the firm of Messrs. Stenning, Knocker and Co., of Tonbridge; and Mr. Thomas Frederick Wills, of the firm of Messrs. Greenwood & Knocker, of London).

Charles George Coates (Mr. David James Cartwright, of the firm of Messrs. Cartwright & Fieldhouse, of Huddersfield).

Hyman Davis (Mr. Robert Arthur Kendrick; and Mr. Ernest Harris Silverstone, of the firm of Messrs. E. H. Silverstone & Co., both of London).

Roderick Lawrence Doble, B.A. Cantab. (Mr. Albert George Rickards Alexander and Mr. Donald Ralph William Stevenson, M.A., LL.B., both of the firm of Messrs. Squires and Co., of Cambridge).

Raymond Claridge Gill, LL.B. London (Mr. Laurence Charles Dorman, M.A., of the firm of Messrs. Kingsford, Dorman & Co., of London).

Albert John Henman (Mr. Francis Eden Marshall, M.A., of the firm of Messrs. Marshall & Eldridge, of Oxford).

Herbert Leslie Hill (Mr. Geoffrey Cartwright, M.A., of the firm of Messrs. Cartwright, Cunningham, Haselgrove & Co., of London).

Robert Pender Kent (Mr. Alfred Percy Ames, of the firm of Messrs. E. G. Ames & Son, of Frome).

Roderick Sydney King-Farlow, M.A., LL.B. Cantab. (Formerly a barrister-at-law).

Walter Lawrence Kitchen (Mr. Charles Tunnard Kitchen, of the firm of Messrs. Porter & Kitchen; and Mr. John Francis Hipwood, of the firm of Messrs. Porter, Hipwood & Kitchen, both of Lincoln; and Mr. Charles Edgar Cullis, of the firm of Messrs. Malkin, Cullis & Co., of London).

Wilfred Carlton Lawson (Mr. Arthur Lawson, of the firm of Messrs. Russell & Russell, of Bolton).

Edgar Frederick Norman, LL.B. London (Mr. John Esam, of the firm of Messrs. Larken & Co., of Newark).

William Geoffrey Ronald Oates (Mr. Alexander MacGregor Black, D.S.O., of the firm of Messrs. Foyer, White, Borrett and Black, of London).

Theodore Hertzl Richardson, LL.B. London (Mr. Thomas Jackson, of the firm of Messrs. Cohen, Jackson & Scott, of Stockton-on-Tees).

Harold Jack Russell (Mr. George Albert Waller, of the firm of Messrs. Waller & McCarraher, of Southampton; and Mr. Harold Forbes White, of the firms of Messrs. White and Leonard and Messrs. Nicholls & Co., both of London).

Josiah Lewis Spiller (Mr. Fred Stanley Dodson, of the firm of Messrs. Dodson & Pulman, of Taunton).

Basil Ludlow Thorne, B.A., LL.B. Cantab. (Mr. Joseph Arthur Walton, B.A., of the firm of Messrs. Gasquet, Metcalfe and Walton, of London).

Geoffrey Warhurst (Mr. Harold Spencer Sleigh, of Denton).

Alan Thurstan Williams, LL.B. London (Mr. Albert Victor Williams, of the firm of Messrs. Gates & Williams, of Luton).

George Vernon Williams, B.A. Oxon, LL.B. London (Mr. Edward Justin Evans Baker, of the firm of Messrs. Kenneth Brown, Baker, Baker, of London).

John Stewart Williams, B.A., B.C.L. Oxon (Mr. James Robert Cardew Smith, of the firm of Messrs. Cardew Smith and Ross, of London).

The Council of The Law Society have accordingly given a Class Certificate and awarded the following Prizes:—

To Mr. Baker and Mr. Burnett—The Clement's Inn Prize—Value about £42.

To Mr. Crowther, Mr. Goodman, Mr. Peck and Mr. T. J. C. von S. Taylor—The Daniel Reardon Prize—Value about £21.

The Council have given Class Certificates to the Candidates in the Second and Third Classes.

184 candidates gave notice for Examination.

Societies.

The Medico-Legal Society.

An ordinary meeting of the Society will be held at Mansion House, 26, Portland-place, W.1, on Thursday, the 23rd January, at 8.30 p.m., when a Paper will be read by Mr. J. B. Montagu, Barrister-at-Law, on "The Development in Criminal Law and Penology since 1910." Members may introduce guests to the meeting on production of the member's private card.

Law Students' Debating Society.

At a meeting of the Society held at The Law Society's Court Room, on Tuesday, 7th January (chairman, Mr. P. W. Iliff), the subject for debate was "That the provision of houses for the working classes should be the concern of central or local government and not of private enterprise." Mr. R. W. Jackling opened in the affirmative. Mr. C. O'Connor opened in the negative. The following members also spoke: Messrs. H. Peek, P. W. Jones, E. Garber, A. N. Buckmaster, B. W. Main, E. W. Huddart and P. H. North Lewis. The opener having replied, the motion was lost by one vote. There were fourteen members present.

Rules and Orders.

THE BASTARDY (FORMS) AMENDMENT ORDER, 1935, DATED DECEMBER 31, 1935, MADE BY THE MINISTER OF HEALTH UNDER SECTION 6 (1) OF THE AFFILIATION ORDERS ACT, 1914 (4 & 5 GEO. 5 C. 6) AND SECTION 14 (1) OF THE MONEY PAYMENTS (JUSTICES PROCEDURE) ACT, 1935 (25 & 26 GEO. 5, C. 46).

[S.R. & O., 1935, No. 1307. Price 2d. net.]

Legal Notes and News.

Honours and Appointments.

The King, on the recommendation of the Home Secretary, has been pleased to approve the following appointments:—

Mr. I. HAROLD STRANGER, K.C., to be Recorder of Sunderland, to succeed Sir Henry Cautley, Bt., K.C., M.P., who has resigned.

Mr. F. A. WILSHIRE to be Recorder of Bridgwater, to succeed Mr. Wyndham Slade, who has resigned.

Mr. W. M. ANDREW to be Recorder of Walsall, to succeed Mr. W. S. Morrison, K.C., M.P., who has resigned.

Mr. JOHN FOSTER to be Recorder of Dudley, to succeed Mr. W. M. Andrew.

The Colonial Office announces the following appointments and transfers in the Colonial Legal Service:—

Mr. A. G. FORBES appointed Magistrate, District F, Dominica.

Mr. A. J. AINLEY (Police Magistrate) appointed Crown Counsel, Gold Coast.

Mr. F. H. BAKER (President, District Court, Palestine) appointed Puisne Judge, Nigeria.

Mr. E. GARDINER SMITH (late Puisne Judge, Gold Coast) appointed Chief Justice, Seychelles.

Mr. E. G. SYKES, Clerk of Arraigns for the North-Eastern Circuit, has been appointed Judge's Associate in the *Nisi Prius* Court of the circuit, to fill the vacancy caused by the death of Mr. C. B. Johnson. Mr. R. L. PRINCE, Assistant Clerk of the Peace for the West Riding Quarter Sessions at Wakefield and Leeds, succeeds Mr. Sykes as Clerk of Arraigns. Mr. Sykes was called to the Bar by Lincoln's Inn in 1925, and Mr. Prince was called by the Middle Temple in 1903.

Professional Announcements.

(2s. per line.)

SOLICITORS & GENERAL MORTGAGE & ESTATE AGENTS ASSOCIATION.—A link between Borrowers and Lenders, Vendors and Purchasers.—Apply, The Secretary, Reg. Office: 12, Craven Park, London, N.W.10.

Mr. Herbert William Gibson, solicitor, of Streatham, formerly Clerk of the Peace for the County of Essex, Clerk of the Essex and Kent Sea Fisheries Committee, left £10,705, with net personalty £9,489.

Notes.

Sir Edward Brooksbank has been elected Chairman of Quarter Sessions of the West Riding of Yorkshire. He succeeds Mr. Wilfrid F. Tempest, who had held the office for twelve years and had been a magistrate for sixty-five years. Mr. Tempest resigned owing to ill-health.

The Annual Dinner of the Institute of Arbitrators (Incorporated) is fixed for Wednesday, 29th January, at the Hotel Victoria, Northumberland-avenue, London. The chief guest is The Rt. Hon. the Lord Atkin, P.C. Accommodation is somewhat limited and early application for tickets is desirable.

Alderman W. E. St. L. Finny, M.D., J.P., has been seven times Mayor of Kingston-on-Thames, and an alderman of the borough since 1910. This year is his thirtieth as a borough magistrate, and his fortieth in public service, which began in 1895, when he was elected a member of the Kingston Board of Guardians.

Mr. Ernest Edward Bird has been elected Chairman of the Legal and General Assurance Society, Ltd., in place of Mr. Romer Williams, D.L., J.P., who has retired after holding that office for more than twenty-five years, but retains his seat on the Board. The Hon. W. B. L. Barrington has been appointed Vice-Chairman.

The life new business figures of the Legal & General Assurance Society Limited for 1935 show that during the year 19,861 policies were issued compared with 21,890 in 1934. The total net life sums assured amounted to £15,674,233, as compared with £14,641,566 in 1934, an increase of £1,032,667. These figures constitute a new record in the society's history.

The annual general meeting of the Bar will be held in the Inner Temple Hall, on Friday, the 17th January, at 4.15 o'clock; the Attorney-General will preside. Any member of the Bar shall be at liberty to bring forward for discussion at the above meeting any resolution, provided that notice thereof shall have been given in writing to the Secretary of the Council not less than seven clear days before the day of meeting, and that in the opinion of the Executive Committee of the Council such resolution is a matter of general interest to the Bar.

WINTER ASSIZES.

The following days and places have been fixed for holding the Winter Assizes, 1936 :—

Oxford Circuit.—The Lord Chief Justice, Greaves-Lord, J.—Wednesday, 15th January, at Reading; Saturday, 18th January, at Oxford; Thursday, 23rd January, at Worcester; Wednesday, 29th January, at Gloucester; Wednesday, 5th February, at Monmouth; Wednesday, 12th February, at Hereford; Monday, 17th February, at Shrewsbury; Monday, 24th February, at Stafford.

Western Circuit.—Hawke, J.—Tuesday, 14th January, at Devizes; Saturday, 18th January, at Dorchester; Friday, 24th January, at Taunton; Thursday, 30th January, at Bodmin.—Hawke, J., Charles, J.—Wednesday, 5th February, at Exeter; Thursday, 13th February, at Bristol; Saturday, 22nd February, at Winchester.

Northern Circuit.—Swift, J., Singleton, J.—Wednesday, 15th January, at Carlisle; Saturday, 18th January, at Lancaster; Monday, 27th January, at Liverpool; Monday, 24th February, at Manchester.

Midland Circuit.—Goddard, J.—Monday, 13th January, at Aylesbury; Thursday, 16th January, at Bedford; Wednesday, 22nd January, at Northampton; Wednesday, 29th January, at Leicester; Friday, 7th February, at Oakham; Saturday, 8th February, at Lincoln; Wednesday, 19th February, at Nottingham; Monday, 2nd March, at Derby.—Atkinson, J.—Tuesday, 10th March, at Warwick.—Atkinson, J., Greaves-Lord, J.—Monday, 16th March, at Birmingham.

South-Eastern Circuit.—MacKinnon, J.—Saturday, 11th January, at Huntingdon; Tuesday, 14th January, at Cambridge; Monday, 20th January, at Ipswich; Saturday, 25th January, at Norwich; Saturday, 1st February, at Chemsford.—Finlay, J.—Wednesday, 12th February, at Hertford; Saturday, 15th February, at Maidstone; Tuesday, 25th February, at Kingston; Wednesday, 4th March, at Lewes.

North Wales and Chester Circuit.—Humphreys, J., Lawrence, J.—Tuesday, 14th January, at Welshpool; Friday, 17th January, at Dolgelly; Tuesday, 21st January, at Caernarvon; Monday, 27th January, at Beaumaris; Thursday, 30th January, at Ruthin; Wednesday, 5th February, at Mold; Saturday, 8th February, at Chester.

Court Papers.

Supreme Court of Judicature.

Rota of Registrars in Attendance on

Date.	Emergency Rota.	Appeal Court I.	Group I. Mr. Justice Eve. Witness Part II.	Group I. Mr. Jusitce Bennett. Non-Witness
	Mr.	Mr.	Mr.	Mr.
Jan. 13	Andrews	Blaker	*Andrews	Ritchie
,, 14	Jones	More	More	Andrews
,, 15	Ritchie	Hicks Beach	*Ritchie	More
,, 16	Blaker	Andrews	Andrews	Ritchie
,, 17	More	Jones	*More	Andrews
,, 18	Hicks Beach	Ritchie	Ritchie	More

Date.	Group I. Mr. Justice Crossman. Witness. Part I.	Group I. Mr. Justice Clauson. Witness. Part I.	Group II. Mr. Justice Luxmoore. Non-Witness.	Group II. Mr. Justice Farwell. Witness. Part II.
	Mr.	Mr.	Mr.	Mr.
Jan. 13	*More	*Jones	Hicks Beach	Blaker
,, 14	*Ritchie	*Hicks Beach	Blaker	*Jones
,, 15	*Andrews	*Blaker	Jones	Hicks Beach
,, 16	*More	Jones	Hicks Beach	*Blaker
,, 17	Ritchie	*Hicks Beach	Blaker	Jones
,, 18	Andrews	Blaker	Jones	Hicks Beach

* The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

HILARY SITTINGS, 1936.

COURT OF APPEAL.

Appeal Court No. I.

Monday, 13th January—Exparte Applications, Original Motions, Interlocutory Appeals from the Chancery and Probate and Divorce Divisions, and, if necessary, Appeals from the Chancery Division (Final List).

Appeal Court No. II.

Monday, 13th January—Exparte Applications, Original Motions, Interlocutory Appeals from the King's Bench Division, Appeals from the Admiralty Division, and, if necessary, Appeals from County Courts.

Appeals from County Courts will follow Admiralty Appeals and will be continued until further notice.

HIGH COURT OF JUSTICE.

Chancery Division.

Group I.

Before Mr. Justice Eve.

(The Witness List. Part II.)

Mr. Justice Eve will sit daily for the disposal of the List of Longer Witness Actions.

Before Mr. Justice Bennett.

(The Non-Witness List.)

Mondays .....Chamber Summonses.
Tuesdays .....Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays...Adjourned Summonses.
Thursdays ....Adjourned Summonses
Lancashire Business will be taken on Thursdays, the 23rd January, 6th and 20th February, 5th and 19th March, and 2nd April.
Fridays .....Motions and Adjourned Summonses.

Before Mr. Justice Crossman.

(The Witness List. Part I.)

(*Actions, the trial of which cannot reasonably be expected to exceed 10 hours.*)

Mondays.....Companies (Winding up) Business.
Tuesdays .....
Wednesdays... } The Witness List. Part I.
Thursdays .... }
Fridays .....

Group II.

Before Mr. Justice Clauson.

(The Witness List. Part I.)

(*Actions, the trial of which cannot reasonably be expected to exceed 10 hours.*)

Mondays.....Bankruptcy Business.
Tuesdays .....
Wednesdays... } The Witness List. Part I.
Thursdays .... }
Fridays .....

Bankruptcy Judgment Summonses will be taken on Mondays, the 20th January, 10th February, and 2nd and 23rd March.
Bankruptcy Motions will be taken on Mondays, the 13th January, 3rd and 24th February, and 16th March.
A Divisional Court in Bankruptcy will sit on Mondays, the 27th January, 17th February, 9th and 30th March.

Before Mr. Justice Luxmoore.

(The Non-Witness List.)

Mondays.....Chamber Summonses.
Tuesdays .....Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays ..Adjourned Summonses.
Thursdays ....Adjourned Summonses.
Fridays .....Motions and Adjourned Summonses.

Before Mr. Justice Farwell.

(The Witness List. Part II.)

Mr. Justice Farwell will sit daily for the disposal of the List of longer Witness Actions.

THE COURT OF APPEAL.

A List of Appeals for hearing, entered up to Saturday, 21st December, 1935.

FROM THE CHANCERY DIVISION.

(Final List.)

Nicholls v. Ely Beet Sugar Factory Ltd
Shipley Urban District Council v Bradford Corporation
Same v Same
Re Williams Williams v Templeton
Re J & P Coates Ltd s Application No. 143363 Re Trade Marks Acts, 1905/19
Faraday v The Auctioneers and Estate Agents Institute of the United Kingdom
Jennings v Stephens
Odhams Press Ltd v London and Provincial Sporting News Agency (1929) Ltd

James v Harriss
The Clock Ltd v The Clock House Hotel Ltd
Re Whitehead North v Whitehead
Re Hooper Hooper v Carpenter
Ash v Hutchinson & Co (Publishers) Ltd
R W Crabtree & Sons Ltd v R Hoe & Co Ltd
Re Holmden Walker v Holmden
Re Cunard Fisher v Harcourt
Archie Parnell and Alfred Zeitlin Ltd v Theatre Royal (Drury Lane) Ltd
Same v Same
Drake v Gray
With v O Flanagan
Re Odling's Trusts Odling v Churchman
British Celanese Ltd v British Acetate Silk Corpn Ltd
Re Imperial Chemical Industries Ltd Re Companies Act 1929
Re Norfolk's Lease Moira Colliery Co Ltd v Shields
Re Plaza Theatre (Maidenhead) Ltd's Lease The Plaza Theatre (Maidenhead) Ltd v Union Cinema Co Ltd
The British Sailors Society (at Home and Abroad) Inc v E Day & Son

FROM THE PROBATE AND DIVORCE DIVISION.

(Final List.)

Probate.

Re Leguia Leguia v Ashworth
Re Wright Lambert v Woodham

Divorce.

Russell v Russell

FROM THE COUNTY PALATINE COURT OF LANCASTER.

(Final List.)

Re Walsh's Settlement Public Trustee v Walsh

FROM THE CHANCERY DIVISION.

(In Bankruptcy.)

(Pending 21st December, 1935.)

Re Gozzett, H P V Exparte Messenger & Co Ltd v The Trustee
Re a Debtor (No. 787 of 1935) Exparte the Debtor v The Petitioning Creditors and the Official Receiver

FROM THE CHANCERY AND PROBATE AND DIVORCE DIVISIONS.

(Interlocutory List.)

Fishenden v Higgs & Hill Ltd
Sutherland Publishing Co Ltd v Caxton Publishing Co Ltd

Divorce.

Berkeley v Berkeley
Re Harris Thomas v Harris

FROM THE KING'S BENCH DIVISION.

(Final and New Trial List.)

Measures v Skegness Urban District Council
Knight & Co. (Engineers) Ltd v Kinematograph Equipment Co Ltd
Silkin & Silkin (a firm) v Carter
Spiro v Roman International Charities
Croxford v Universal Insurance Co Ltd
William Jacks & Co. (a firm) v Societe de Participation Este
Locker & Wolf Ltd v Western Australian Insurance Co Ltd
Weigall v Westminster Hospital
Norman v Gresham Fire and Accident Insurance Society Ltd
Tynedale Steamshipping Co Ltd v Anglo-Soviet Shipping Co Ltd
Stock v Stansfield
Jones v Cory Brothers & Co Ltd
Brown v McGuire
Same v Same
Davies v Russell
F R Absalom Ltd v The Great Western (London) Garden Village Society Ltd
Newman v Dureau
Outram v Guard
Falcke v American Art Association—Anderson Galleries Inc
Pribik v Klein
Wade v Towers
Rippon v Sussex Finance Corporation Ltd
Dott v Brown
Kulukundis v Norwich Union Fire Insurance Society Ltd
Nash v Stevenson Transport Ltd
Goodgrove v Roberts
Great Western Railway Co v Henry R James and Sons Ltd
Edmundson v Hankins
A/S Rendel v Arcos Ltd
Lydiatt v Lydiatt
Tierney v White
Re Representation of the People Act, 1918 Harper v Registration Officer for Wednesbury
Grein v Imperial Airways Ltd
King v Wood
Re The London Passenger Transport Act 1933 Rich v London Passenger Transport Board
Greaves v Drysdale
J Smith & Co (Motor Agents) Ltd v C Allen and Son Ltd
William Cory & Son Ltd v Dorman Long & Co Ltd
Arcos Ltd v London and Northern Trading Co Ltd
Way v Latilla
Mortimore v Griffiths
De La Poer v Lomax
Same v Same
De Normanville v The Hereford Times Ltd
Shamash v Hougi
Interoven Stove Co Ltd v The British Broadcasting Corporation
Mason and Wood Ltd v Greene
Owen v Burgin (s.o. for security)
De Vere Dawson v Hill
Clarke v Cassell & Co Ltd
Bond v Edwards
George Tabor Ltd v Samuel West Ltd
Re Housing Acts, 1925-1930 Marriott v The Minister of Health
Von Dembinska v Bicknell
Jiggins v Wagstaff
Blue Belle Motors Ltd v G Scammell & Nephew Ltd
Johnson v Heanor and District Motor Omnibus Co
Waller v McColm
Craven-Ellis v Canons Ltd
Re Arbitration Act, 1889 Bainster v The Hops Marketing Board
The Imperial Tobacco Co (of Great Britain and Ireland) Ltd v Parslay
Vowles v Mieville
W Silcock & Sons v Green
Aitchison v Page Motors Ltd
Matonia v National Provincial Bank Ltd
Wainwright v John Barker & Co Ltd
International Trustee for the Protection of Bondholders Aktiengesellschaft v The King

(Interlocutory List.)

Souhami v Roffe
Hermite v Allingham
Denis v Same
Lefebvre v Same
Byrne v Dean
Re Road and Rail Traffic Act, 1933 Re Great Western Railway Co and ors
Re Road and Rail Traffic Act, 1933 Re Great Western Railway Co and ors
Bruce v Odhams Press Ltd
H Somerford & Son Ltd v Winterbotham

(Revenue Paper—Final List.)
(For Judgment.)

Fenton's Trustee v The Commissioners of Inland Revenue

(For Hearing.)

Commissioners of Inland Revenue v Barnato
Timpson's Executors v Yerbury (H M Inspector of Taxes)
National Mortgage and Agency Co of New Zealand v Commissioners of Inland Revenue
Commissioners of Inland Revenue v National Mortgage and Agency Co of New Zealand

FROM COUNTY COURTS.

Foden v Tibbs
Kenyon v Darwen Cotton Manufacturing Co Ltd
Shooter v Gaitley
Edward Culff and Co v Wright
Gibbs v Barking Corporation
Gems and The French Bust Co Ltd v Warner Bros Ltd
Delderfield v Reading
W V Bowater & Sons Ltd v Davidsons Paper Sales Ltd
Cardell v Coffin
Clarke v Fishwick
Evans v Harrhy
Hardman v Causton
Western Engraving Co Ltd v Film Laboratories Ltd
Porter v Rogers
Adams v County Council of Northumberland
Dominé v M Cohen & Co (a firm)
Apostal v Simons
Edmonds v Citizens Permanent Building Society
Styles v K C R (Roadhaulage) Ltd
Thomas v Metropolitan Housing Corporation Ltd
Meiklejohn v Potter and Clarke Ltd
Elkington & Co Ltd v Amery
Edward Durling Ltd v Morgan (s.o. for security)
Cordery v Parker
Long v Furniture and Fine Art Depositories Ltd
Schofield v London Passenger Transport Board
McClure v Jardine
Backer v King-Clark (s.o. for security)
Mitre Motors Ltd v Hall
Rowell v Pratt
Rodenhurst Estates Ltd v W H Barnes Ltd
Coomber v London Passenger Transport Board
Pitt-Keathley v Marriott
Brown v Boys
Leech v Goodwin
Sumner v Hughes
Meiklejohn v Hamilton
Hemming v Gatehouse Motors Ltd
Leeson v Leeson
Spiers v Knowles
Kemsley v The Commercial Gas Co

(Re the Workmen's Compensation Acts.)

Evans v Amalgamated Anthracite Collieries Ltd (s.o. for Medical Referee)
White v Altrincham Urban District Council
Chapman v Marshall Sons & Co Ltd
Bryan v Ufland
Ramsey v The Gramophone Co
Alderman v Great Western Railway Co

HIGH COURT OF JUSTICE—CHANCERY DIVISION.

There are Three Lists of Chancery Causes and matters for hearing in Court. (I) Adjourned Summonses and Non-Witness actions; (II) Witness Actions Part I (*the trial of which cannot reasonably be expected to exceed* 10 *hours*) and (III) Witness Actions Part II; every proceeding being entered in these lists without distinction as to the Judge to whom the proceeding is assigned. During the Sittings there will usually be two Judges taking each of these lists and warning will be given of proceedings next to be heard before each Judge. Applications in regard to a "warned" matter should be made to the Judge before whom it is "warned."

Applications in regard to a proceeding which has not been "warned," should usually be made to the senior of the two Judges taking the list in which the proceeding stands.

Motions, Short Causes, Petitions and Further Considerations will be taken by that one of the Judges taking the Non-Witness List who belongs to the group to which the proceeding is assigned.

GROUP I.—Mr. Justice EVE, Mr. Justice BENNETT and Mr. Justice CROSSMAN.

GROUP II.—Mr. Justice CLAUSON, Mr. Justice LUXMOORE and Mr. Justice FARWELL.

The Adjourned Summons and Non-Witness List will be taken by Mr. Justice LUXMOORE and Mr. Justice BENNETT.

The Witness List Part I will be taken by Mr. Justice CLAUSON and Mr. Justice Crossman.

The Witness List Part II will be taken by Mr. Justice EVE and Mr. Justice FARWELL.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group I will be heard by Mr. Justice BENNETT.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group II will be heard by Mr. Justice LUXMOORE.

Companies (Winding up), Liverpool and Manchester District Registries and Bankruptcy business will be taken as announced in the Hilary Sittings Paper.

Set down to 21st December, 1935

Mr. Justice EVE and Mr. Justice FARWELL.

(Witness List. Part II.)

Before Mr. Justice EVE.

(For Judgment.)

Essex Radio Supplies Ltd v Reich

(Retained Matters.)

(Witness List. Part II.)

Dawson v Finn (pt hd)
Same v Same

Before Mr. Justice FARWELL.

(Retained Matters.)

(Adjourned Summonses.)

Re Letheren Public Trustee v Letheren (pt hd)
Re Jenkins Gray v Jenkins (pt hd)
Re McKnight Godden v Rae (pt hd)

(Witness List. Part II.)

Accessory Food Factors Ltd v Witherington (pt hd) (fixed for Jan. 13)

Mr. Justice EVE and Mr. Justice FARWELL.

(Witness List. Part II.)

Mackenzie v Darragh Smail & Co Ltd
Smith v Martley Rural District Council
Martley Rural District Council v Kington
Madlener v Helbert Wagg & Co Ltd (s.o. for security)
Scott v Scott
Martineau v Higgs & Hill Ltd
Poznanski v London Film Productions Ltd
Fox v Duboff (s.o. for amendment)
Re Harding Smith v Harding
Electric and Musical Industries Ltd v Lissen Ltd
H Piggott & Sons Ltd v The British Brick and Tile Corpn Ltd
Mavin v Prynne
Machine Made Sales Ltd v Davies
Norton & Gregory Ltd v Jacobs
Hewitts Trustee v Milner
Soc des Productions Cinematographiques Ajax-Films v The British European Film Corpn Ltd
Re Russian Bank for Foreign Trade Re Companies Act, 1929
Worrall v France
Witting v Worcester Corsetry Ltd
Re Rose Rose v Rose
Vinten v Pullman (Spring Filled) Ltd (restored)
Same v Same (restored)
Re Davis Davis v Ffrench
British Celanese Ltd v Cellulose Acetate Silk Co Ltd
Wood v Gowshall Ltd
Gillette Industries Ltd v Levy
Lawford v Ramsbottom
White v Ship Carbon Co of Great Britain Ltd
Leyland v Wm Porter & Co Ltd (Fontannez 3rd party)
Electrical Research Products Inc v Radio Centre Ltd
Manbre & Garton Ltd v Albion Sugar Co Ltd
Smith v Sturtevant Engineering Co Ltd
Harpman's Institute of Endonasal Reflex Therapy Ltd v The Institute of Automatic Therapy Ltd
Holland v Administrator of German Property
South County Freeholds Ltd v Knight
Clay v Thompson
Rich and Cowan Ltd v Neumann
Howard v MacArthur
Levinger v Licenses and General Insce Co Ltd
Oldfield v W Turner & Co Ltd
Davis v Chandos Estates Ltd
Smith v Rawlings
Marsh v Dennis
Harrison and ors v Pomona Rubber Co
French and ors v Capital & County Laundries Ltd
Richardson v Stamp and ors
Societa Anonima Matteo Morandi v Horner
Mackay v Mackay
Cain v Universal Developments Ltd
Re Letters Patent granted to Percy Martin and Daimler Co Ltd Nos. 353108 and 353334 Re Patents and Designs Acts, 1907/32
Trustee of the property of Thomas Richard Bulleid, a Bankrupt v Bach
Marconi's Wireless Telegraph Co Ltd v E K Cole Ltd
Granville v Martin
Priestley v Parkin
Baker v Kolbin
Bolton v British International Pictures Ltd
George Legge & Son Ltd v Mayor, Aldermen and Burgesses of the Borough of Wenlock
Johnson v Dawes
Watson v Sleeman
Butler Estates Co Ltd v Prudential Assce Co Ltd
Re Tennyson's Will Trusts Tennyson v Tennyson
Von Donnersmarck v Henckel Von Donnersmarck Beuthen Estates Ltd
Adelaide Properties Ltd v Cox
Baxter (Hanley) Ltd v McMinn
Radio Co of Great Britain Ltd v British Radiostat Corporation Ltd
Coles v Sheerness Urban District Council
Jesson v Walford & Son
Troughton v Witchell
Aplin and Barrett Ltd v John Mackintosh and Sons Ltd
Cabaret Electric Co Ltd v Marconi's Wireless Telegraph Co Ltd
Re Jenkins Jenkins v Spencer
Richardson v Travis
Burslem and District Industrial Society Ltd v The Pigs Marketing Board
Stark v Prinsep
Byng v Oil and Mining Investments Ltd
Radium Utilities Ltd v Humphris

Standing in the "ABATED" List

(Witness List. Part II.)

Dammann Asphalt Co (Gt Britain) Ltd v Dammann Asphalt Co (Madeley Wood) Ltd
Re Poso-Graph (Parent) Corporation Ltd Re Companies Act, 1929
Harvey v Adams
Dwyer v John Long Ltd
St. Davids v Union Castle Mail Steamship Co Ltd
Eaton v Kusel
Draper v Trist
British Acoustic Films Ltd v R C A Photophone Ltd
Santon & Co v Electric Fires Ltd
Cowdray v Grosvenor House (Park Lane) Ltd
Stephens v Poole Borough Council
Treeby v Woodhall
Lawrence's Trustees v Tudor Investment Trust Ltd
Re McIntosh Lander v McIntosh

Mr. Justice CLAUSON and Mr. Justice CROSSMAN.

(Witness List. Part I.)

Actions, the trial of which cannot reasonably be expected to exceed 10 hours.

Before Mr. Justice CLAUSON.

(For Judgment.)

(Witness List. Part II.)

A T S Co Ltd v Handley Page Ltd (restored)

(Retained Matter.)

Re Gordon Gordon v Gordon (pt hd)

Before Mr. Justice CROSSMAN.

(Retained Matters.)

(Witness List. Part II.)

Price v John (pt hd)
Re Strachans (Acton) Ltd Westminster Bank Ltd v The Company (pt hd)

Companies Court.

(Petitions.)

Alliance Bank of Simla Ltd (to wind up—ordered on Dec. 21, 1931 to s.o. generally—liberty to restore)
Britivox Ltd (same—ordered on Nov. 16, 1931 to s.o. until action disposed of—liberty to restore)
London Clinic and Nursing Home Ltd (same—ordered on May 8, 1933 to s.o. generally—liberty to apply to restore)
Mitcham Creameries Ltd (same—ordered on Oct. 15, 1934 to s.o. generally—liberty to apply to restore after action disposed of)
Lena Goldfields Ltd (same—ordered on July 25, 1935 to s.o. generally—liberty to restore)
Sun-Ray Studios Ltd (same—ordered on July 15, 1935 to s.o. generally)
Edison Bell (International) Ltd (same—s.o. from Oct. 14, 1935 to Jan. 13, 1936)
Cliffdown Appliances Ltd (same—s.o. from Oct. 14, 1935 to Jan. 20 1936)
Exchange Properties Ltd (same—s.o. from Nov 18, 1935 to Jan 13, 1936)
Louis French Ltd (same—s.o. from Dec 9, 1935 to Jan 13, 1936)
Cornish Builders Ltd (same—s.o. from Dec 16, 1935 to Jan 13, 1936)
Eric Munday Ltd (same—s.o. from Dec 16, 1935 to Jan 13, 1936)
London General Insurance Co Ltd (Payment out of Funds in Court—s.o. from Dec 16, 1935 to Jan 13, 1936)
Paragon Productions Ltd (to wind up)
A Franks (Cabinet Makers) Ltd (same)
Eastes Ltd (same)
Bramahs Ltd (same)
R A G Ltd (same)
London Gas Lighter Co Ltd (same)
W Y S E Furniture Ltd (same)
Eldridge & Co Ltd (same)
Industrial Builders (Leeds) Ltd (same)
W E Manton & Co Ltd (same)
Rural Glovers Ltd (same)
R H Rowland and Sons Ltd (same)
B Perelli-Rocco Ltd (same)
M Kitching Ltd (same)
Thames Casino Ltd (same)
Eros Gowns Ltd (same)
A E & H N Elliss Ltd (same)
Play-Shoe Co Ltd (same)
Victory Publishing Co Ltd (same)
Joy Frazer Ltd (same)
Home Furniture Manufacturers Ltd (same)
Film Services Ltd (same)
Alarcal Ltd (same)
The Mortgage and Debenture Guarantee Corporation Ltd (same)
Acier Securities Ltd (same)
Deuchar & Dale Ltd (same)
Paul Ruinart (England) Ltd (to confirm reduction of capital)
British Woollen Cloth Manufacturing Co Ltd (same—ordered on Dec 8, 1930 to s.o. generally—liberty to restore)
Charles Brown & Co Ltd (to confirm reduction of capital)
Shirtliff Smith & Co Ltd (same)
English Motor Agencies Ltd (same—ordered on April 1, 1935 to s.o. generally—liberty to apply to restore)
Paper Sacks Ltd (to confirm reduction of capital)
Mortgage Company of Egypt Ltd (same)
Lamot Ltd (same)
Hector Whaling Ltd (same—ordered on Dec 2, 1935 to s.o. generally — retained by Mr. Justice Bennett)
Transvaal Lands Co Ltd (same—ordered on Dec 2, 1935 to s.o. generally)
British New Guinea Development Co Ltd (same—ordered on Dec 16, 1935 to be adjourned generally)
Pyman Watson & Co Ltd (to confirm reduction of capital)
Troup Curtis & Co Ltd (same)
Curtis Foundry and Engineering Co Ltd (same)
Waste Heat and Gas Electrical Generating Stations Ltd (same)
Ribon Valley (Nigeria) Tinfields Ltd (same)
Deakin and Francis Ltd (same)
Antwerp Waterworks Co Ltd (same)
Crittall Manufacturing Co Ltd (same)
H H Warner and Co Ltd (same)
John Wilford & Son Ltd (same)
Bower Rowbuck & Co Ltd (same)
Wm Silvester & Sons Ltd (same)
Archibald Turner & Co Ltd (same)
Statesman Publishing Co Ltd (same)
London Necropolis Co Ltd (same)
Alfred Longbottom Ltd (same)
Miller Rayner & Haysom Ltd (same)

Universal Casings Co Ltd (same)
Heming & Co Ltd (same)
Aveling-Barford Ltd (same)
Gresham Street Warehouse Co Ltd (to confirm alteration of objects)
Society of Certificated Teachers of Pitmans Shorthand and other Commercial Subjects Ltd (same)
F Hills & Sons Ltd (same)
Clagett Brachi and Co Ltd (same)
Dorricotts Ltd (to sanction scheme of arrangement)
Middlesex Banking Co Ltd (same)
Lena Goldfields Ltd (same—ordered on July 25, 1935 to s.o. generally—liberty to restore—retained by Mr. Justice Eve)
Musselburgh and District Electric Light and Traction Co Ltd (to sanction scheme of arrangement)
Colchester Brewing Co Ltd (s. 155)
Queen's Club Garden Estates Ltd (s. 155)
Western Mansions Ltd (s. 155)
Metallic Seamless Tube Co Ltd (s. 155)
Chesterfield Tube Co Ltd (s. 155)
British Italian Banking Corporation Ltd (s. 155)
E W Rudd Ltd (to confirm reorganisation of capital)
Alton & Co Ltd (to sanction scheme of arrangement and to confirm alteration of objects)
Baird Television Ltd (to sanction scheme of arrangement and to confirm reduction of capital)

(Motions.)

Trent Mining Co Ltd (ordered on July 31, 1931 to s.o. generally—liberty to restore)
Kings Cross Land Co Ltd (ordered on June 26, 1934 to s.o. generally—liberty to apply to restore)
Flactophone Wireless Ltd (ordered on July 10, 1934 to s.o. generally)
Sunshine Remedies Ltd (ordered on July 29, 1935 to s.o. generally)
Brittains Motors Ltd (ordered on July 8, 1935 to s.o. generally—liberty to apply to restore)
Universal Casings Co Ltd

(Adjourned Summonses.)

Marina Theatre Ltd (Application of F H Cooper—with witnesses—ordered on May 10, 1933 to s.o. generally—liberty to apply to restore)
W Smith (Antiques) Ltd (Application of Liquidator—with witnesses—ordered on Dec 8, 1932 to s.o. generally)
Essex Radio Supplies Ltd (Application of Official Receiver and Liquidator — with witnesses — ordered on Oct 31, 1934 to s.o. generally)
Pictos Ltd (Application of Liquidator—with witnesses—ordered on Mar 29, 1935 to s.o. generally—liberty to apply to restore)
Finsbury and South Place Securities Co Ltd (Application of C Allerton—with witnesses)
Imperial Ottoman Docks Arsenals and Naval Corstructions Co (Application of R Hirzel)
Lena Goldfields Ltd (Application of Witkowitzer Bergbau-und-Eisenhutten Gewerkschaft and anr—ordered on July 25, 1935 to s.o. generally—liberty to restore—retained by Mr. Justice Eve)
R Gertzenstein Ltd (Application of Joint Liquidators—with witnesses)
Western Marine Salvage Co Ltd (Application of C W Brown and H G Peters)
Hearts of Oak Assurance Co Ltd (Application of Liquidator)
F G Webber & Co (Westcliff on Sea) Ltd (Application of Joint Liquidators—with witnesses)
Associated Authors Productions Ltd (Application of Frances Naylor Bergman (spinster))
London General Insurance Co Ltd (Application of R A Young—with witnesses)
Walter Ellis & Son Ltd (Application of Liquidator)
Broad Street Press Ltd (Application of Liquidator)

Mr. Justice CLAUSON and Mr. Justice CROSSMAN.

(Witness List. Part I.)

Graham v Pemberton (s.o. to amend Pleadings)
Merritt v Merritt and Thatcher Ltd (s.o. for King's Bench action)
Baines v Baines
Soddy v Petre
Cawood v Cawood
Re Graves Hier-Evans v L'Estrange
Barnes v Hargreaves
F W Woolworth & Co Ltd v Lambert
Jones's Trustee v Edwards
May and Hammel Ltd v Low and Carr (a firm)
King-Hedinger v Marcus
Goldberg v Taylor
Yeates v Jenkins
Gowlett v Gowlett and anr
Ellis v Hunt
Aspinall v Dolleymore and ors
Karet v H Karet & Sons Ltd
Natl Carbonising Co Ltd v British Coal Distillation Ltd
Jacques Ltd and anr v Warner Watson (Surrey) Ltd
Freshwater v Shortle and ann
Dickinson v Coombes
Banbury v Bude-Stratton Urban District Council
Re Norden Clarke v Norden
Hodgson v Salt
Burke v Spicers Dress Designs
Lumsden v Fraser
Richardson v Hauser
Clore v Theatrical Properties Ltd
Re Timmis' Settlement Public Trustee v Selby
de Boeckelins v Marché
Hoefling v Gallacher
Oliver v Middletons (Builders) Ltd
Page v Daniels
Harris v Harris
Maggs v Parfitt
Re Coode Dunderdale v Badco
G M S Plugs Ltd v Marble Arch Motor Supplies Ltd
Welch v Pickett
Nelson v Millns
Simpson v J Curtis Ltd
Ozanne v Pard Estate Ltd
Riscoe v Eggar
Glenister v Crouch
Howles v Cave
Fisher v Associated Dyers and Cleaners Ltd
Henry Paul Ltd v Paul
Bishop v Deakin
Re Schnapper Westminster Bank Ltd v Schnapper
Edwards v Eley

("Abated" Witness List. Part I.)

Taylor v Wrigg
Gould v Rands
Pollard v Cowen
Porter v Porter
Cousins v Motor Petrol Assn Ltd
Shawnell Consolidated Ltd v Brame
Hill v Percy Bennett & Co Ltd
Re Scott-Forbes, an Infant Re Guardianship of Infants Acts 1886 to 1925
Re Lascelles Dodd v Mallison
Augusts Ltd v Rolff
Alton-Nagel v Powell

Mr. Justice LUXMOORE and Mr. Justice BENNETT.

(Adjourned Summonses and Non-Witness List.)

Before Mr. Justice LUXMOORE.

(Retained Matters.)

(Witness List. Part I.)

Lucas Scudamore v Lucas-Scudamore (pt hd) (fixed for Jan 20, 1936, after Chamber Summonses)
ffiske v Paul (pt hd)

(Assigned Petitions.)

Re Patents and Designs Acts 1907/32 Re Henderson's Letters Patent No. 159,604
Re Tribe's Patent Re Patents and Designs Acts 1907/32

(Short Cause.)

Mansell v Hucklesby

Before Mr. Justice BENNETT.

(Retained Actions.)

(Witness List. Part II.)

Hearts of Oak Assce Co Ltd v James Flower and Sons (a firm)
Mortimer Estates Ltd v F W Woolworth and Co Ltd (pt hd)

(Petitions.)

Lees v Lees (restored)
Newport v Pougher (restored)

Mr. Justice LUXMOORE and Mr. Justice BENNETT.

(Adjourned Summonses and Non-Witness List.)

Liverpool Corporation v Lancashire County Council
Re Reney Coppack v Reney
Re Coleman Public Trustee v Coleman and ors
Re Smith's Trusts Wardroper v The Missions to Seamen
Re Smith's Trusts Wardroper v Booth
Richardson v Stamp
Re Harvey Harrison v Harvey
Re Horwood Benton v Horwood
Re Hancock Re Land Charges Act, 1925
Re Windsor's Lease West of England Cinemas Ltd v Willmore
Re Thiselton Thiselton v Thiselton
Re Grant of King Charles II Giffard v Penderel-Brodhurst
Re Woolf Bucknell v Midland Bank Ltd
Re Cory National Provincial Bank Ltd v Cory
Re Astley Comyn Ching & Co (London) Ltd v Astley
Re Delmar-Morgan Tweedie v Delmar-Morgan
Re Ames Public Trustee v Ames
Re Elmore Public Trustee v Attorney-General
Re Gisburne's Trusts Gisburne v Gisburne
Re Gow Gow v Gow

("Abated" Adjourned Summonses and Non-Witness List.)

Re Stanton Baxter v Giddens.
Re Thompson Day v Thompson
Re Costick Longhurst v Shipwrecked Fishermen and Mariners Benevolent Socy
Re Thornton Thompson v Alexander
Re Anderson Fish v Anderson
Re L & N Coal Distillation National Carbonising Co Ltd v British Coal Distillation Co
Re Maempel Myers v Maple
Re Huntrod's Application No. 544,220 Re Trade Marks Acts, 1905/19
Re Harris Harris v Harris
Re Guetta Royal Exchange Assce v Guetta
Re Macnamara Macnamara v Macnamara
Re Gordon Gordon v Gordon
Re Waddington Crowther v Chambers
Re Garner Garner v Garner

APPEALS AND MOTIONS IN BANKRUPTCY.

Pending December 21st, 1935.

(APPEAL from County Courts to be heard by a Divisional Court sitting in Bankruptcy.)

Re Wilson, R S Exparte Richard Sidney Wilson v Duncan Edward Campbell

(MOTIONS IN BANKRUPTCY for hearing before the Judge.)

Re Williams, J Exparte the Hayes and Harlington Urban District Council v the Trustee
Re Owen, P S J Exparte the Official Receiver v The Bankrupt

KING'S BENCH DIVISION.

CROWN PAPER—For Argument.

Evans v Southdown Motor Services Ltd
Robinson Bros (Brewers) Ltd v Assessment Committee for the No. 7 or Houghton and Chester-le-Street Assessment Area
Meredith v Ayton
Hibbard and anr v The Interoven Stove Co Ltd
Williams v Hughes
Gordon Mackay & Co (Leeds) Ltd and ors v Watson
Robinson v Hagen
B Bennett & Son Ltd v Woodyatt
Burmingham v Linsdell
In the matter of four Solicitors Appeal by Complainant from Order of Disciplinary Committee of Law Society
L C C v Betts
Same v Downes
The King v Minister of Health (exparte Villiers)
The King v H Metcalfe, Esq (exparte Dennis)
The King v Same (exparte Dennis)
Wanklyn (on behalf of the Mayor &c of Ealing) v Thomas Clayton (Paddington) Ltd
Higgins v Electric Hare Greyhound Racing Ltd
Rating Authority for Penzance v Roberts
Hill v Tothill

L C C v Cambridgeshire County Council
The King v Assessment Committee for Southwark (exparte F. Leyland & Co Ltd)
Wade-Gery v St Neots U D C
The King v Minister of Health (exparte Hampton U D C)
Same v Same
Eyre v Brunfield
Starkey v Hall
In re a Solicitor Appeal by Complainant from Order of Committee of Law Society
Scrimgeour v Stoke-on-Trent and North Staffordshire Billposting Co Ltd
Steventon v Bradford

CIVIL PAPER—For Judgment.

Ashby Warner & Co Ltd v Simmons

For Hearing.

Fried Krupp Aktiengesellschaft v Oreonera Iron Ore Co Ltd
John Gill Contractors Ltd v Bromley Trading Co Ltd

MOTIONS FOR JUDGMENT.

de Rougemont v Mason
Royton U D C v Raggerty and ors
Oakeley v Van Dutz
Hetherington and ors v Neale

SPECIAL PAPER.

Arnold v Cohen
Chelmsford Joint Sewerage Committee v Southend Waterworks Co
Polikoff Ltd and anr v North British and Mercantile Marine Insurance Co Ltd
Same v Same (Motion)
Commissioners for Lord High Admiral v Owners of "Valverda"
Passmore v Vulcan Boiler &c Co Ltd and anr
Louis Dreyfus & Co v Produce Brokers New Co (1924) Ltd Same v Same (Motion)
Powell v Mayor &c of Sheffield
Thompson Steam Shipping Co Ltd v S A Commercial de Exportacion &c Ltd
Sanguineti v Ugleexport of Moscow

APPEALS UNDER THE HOUSING ACTS, 1925 AND 1930.

Wrexham Rural (No 15) Clearance Order 1934 (Application of J J Cubbidge)
Wrexham Rural (No 20) Clearance Order 1934 (Application of J Farmer)
Coventry Munition Cottages No 7 Order 1935 (Application of F H Clark)

APPEAL AND ISSUES UNDER THE UNEMPLOYMENT INSURANCE ACT, 1920.

Appeal by Russell, re Pledge and anr

REVENUE PAPER—Cases Stated.

Hallwood & Ackroyd Ltd and J Frame (H M Inspector of Taxes)
Hallwood & Ackroyd Ltd and J Frame (H M Inspector of Taxes)
W de Burgh Whyte and J M Clancy (H M Inspector of Taxes)
H A Titcomb and J M Clancy (H M Inspector of Taxes)
Sir Thomas D Barlow, K B E and The Commissioners of Inland Revenue
T W Woodhouse and The Commissioners of Inland Revenue
J P Hughes (H M Inspector of Taxes) and The Bank of New Zealand The Bank of New Zealand and J P Hughes (H M Inspector of Taxes)
The Bank of New Zealand and J P Hughes (H M Inspector of Taxes) J P Hughes (H M Inspector of Taxes) and The Bank of New Zealand
P Carter (H M Inspector of Taxes) and Mrs Louise Tevis Sharon
Maurice Kliman (H M Inspector of Taxes) and B Stone
The Executors of Arthur Marshall, dec, the Executors of E W Hood, dec, and Louis James Rogers and R R Joly (H M Inspector of Taxes)
Peterborough Royal Foxhound Show Society and Commissioners of Inland Revenue
R R Joly (H M Inspector of Taxes) and Pinhoe Nurseries Ltd
Woodhouse & Co Ltd and The Commissioners of Inland Revenue
The Right Hon. Ellen Mary, Countess of Shrewsbury and Countess Talbot and The Commissioners Inland Revenue
W J Hills (H M Inspector of Taxes) and The London Freehold and Leasehold Property Co Ltd
H M Attorney-General and Elias Cohen and Julius Cohen
W O Bishop (H M Inspector of Taxes) and Wing Commander A G N Belfield
Oscar Faber and Commissioners of Inland Revenue
Sir Edward C Bowen, Bart and Commissioners of Inland Revenue
Greyhound Racing Association (Liverpool) Ltd and W K Cooper (H M Inspector of Taxes)
The Commissioners of the Ancholme Drainage and Navigation now known as the Ancholme Drainage Commissioners and T P Weldon (H M Inspector of Taxes)

LICENSING CONSOLIDATION ACT, 1910—Petition.

Peter Walker & Son (Warrington & Burton) Ltd and Henry Butler and Commissioners of Inland Revenue

FINANCE (1909-10) ACT, 1910—Petition.

The Commissioners of Inland Revenue and The Executors of the Third Lord Hatherton, dec, and Lord Hatherton

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The Court of Cassation in Paris, says *The Times*, last Wednesday, dismissed the appeal of Maître Desbons, who was disbarred at the trial of the alleged accomplices of the assassin of King Alexander of Yugoslavia and M. Barthou for intemperate language while defending the prisoners. Several barrister-Deputies, including Maître Torres, have now tabled a Bill in the Chamber providing for an amnesty for all lawyers against whom penalties have been imposed in open court.

The Ministry of Health announces the retirement of Mr. I. G. Gibbon, C.B., C.B.E., Director of the Local Government Division of the Ministry, after forty-one years' Public service. He is succeeded as Director of the Local Government Division at the Ministry of Health by Mr. H. W. S. Francis, O.B.E., formerly Director of Housing, Town Planning, and Slum Clearance. Mr. Francis has been succeeded in the latter post by Mr. J. C. Wrigley, an assistant secretary of the Ministry.

The subsisting partnership of the firm of Harold Williams, Holliday & Partners, Chartered Surveyors, Auctioneers and Valuers, between Mr. Harold Williams, Mr. G. Holliday, Mr. R. E. Tapping and Mr. J. C. Wilford, having expired by effluxion of time, the business will in future be carried on by Mr. Williams, Mr. Tapping and Mr. Wilford under the name and style of "Harold Williams & Partners." The practice will be carried on at 46 & 47, Chancery-lane, W.C.2 (Holborn 5365); and at 80, High-street, Croydon (Croydon 1931) as heretofore.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 23rd January, 1936.

	Div. Months.	Middle Price 8 Jan. 1936.	Flat Interest Yield. £ s. d.	‡Approximate Yield with redemption £ s. d.
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	114½	3 9 10	3 1 1
Consols 2½%	JAJO	86½	2 17 10	—
War Loan 3½% 1952 or after	JD	106	3 6 0	3 0 11
Funding 4% Loan 1960-90	MN	117½	3 8 1	2 19 4
Funding 3% Loan 1959-69	AO	103	2 18 3	2 16 6
Victory 4% Loan Av. life 23 years	MS	116	3 9 0	3 0 5
Conversion 5% Loan 1944-64	MN	120½	4 3 0	2 3 3
Conversion 4½% Loan 1940-44	JJ	111	4 1 1	2 6 7
Conversion 3½% Loan 1961 or after	AO	108	3 4 10	3 0 9
Conversion 3% Loan 1948-53	MS	105	2 17 2	2 10 3
Conversion 2½% Loan 1944-49	AO	101½	2 9 3	2 5 9
Local Loans 3% Stock 1912 or after	JAJO	96½	3 2 2	—
Bank Stock	AO	375½	3 3 11	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	87½	3 2 10	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	96	3 2 6	—
India 4½% 1950-55	MN	114½	3 18 7	3 3 11
India 3½% 1931 or after	JAJO	97	3 12 2	—
India 3% 1948 or after	JAJO	86	3 9 9	—
Sudan 4½% 1939-73 Av. life 27 years	FA	118½xd	3 15 11	3 8 9
Sudan 4% 1974 Red. in part after 1950	MN	115½	3 9 3	2 14 7
Tanganyika 4% Guaranteed 1951-71	FA	114xd	3 10 2	2 16 9
L.P.T.B. 4½% "T.F.A." Stock 1942-72	JJ	109½	4 2 2	2 15 1
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	109	3 13 5	3 7 0
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	103	3 12 10	3 9 3
Canada 4% 1953-58	MS	111	3 12 1	3 3 8
*Natal 3% 1929-49	JJ	100	3 0 0	3 0 0
*New South Wales 3½% 1930-50	JJ	100	3 10 0	3 10 0
*New Zealand 3% 1945	AO	100	3 0 0	3 0 0
Nigeria 4% 1963	AO	114	3 10 2	3 4 8
*Queensland 3½% 1950-70	JJ	101	3 9 4	3 8 2
South Africa 3½% 1953-73	JD	107	3 5 5	2 19 5
*Victoria 3½% 1929-49	AO	102	3 8 8	—
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	96	3 2 6	—
*Croydon 3% 1940-60	AO	100	3 0 0	3 0 0
Essex County 3½% 1932-72	JD	106	3 6 0	3 0 11
Leeds 3% 1927 or after	JJ	95	3 3 2	—
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	106	3 6 0	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	82	3 1 0	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	95½	3 2 10	—
Manchester 3% 1941 or after	FA	95xd	3 3 2	—
*Metropolitan Consd. 2½% 1920-49	MJSD	101	2 9 6	—
Metropolitan Water Board 3% "A" 1963-2003	AO	98	3 1 3	3 1 5
Do. do. 3% "B" 1934-2003	MS	98½	3 0 11	3 1 1
Do. do. 3% "E" 1953-73	JJ	101	2 19 5	2 18 6
†Middlesex County Council 4% 1952-72	MN	114	3 10 2	2 18 10
† Do. do. 4½% 1950-70	MN	117	3 16 11	3 1 4
Nottingham 3% Irredeemable	MN	96	3 2 6	—
Sheffield Corp. 3½% 1968	JJ	105	3 6 8	3 4 11
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	115	3 9 7	—
Gt. Western Rly. 4½% Debenture	JJ	125½	3 11 9	—
Gt. Western Rly. 5% Debenture	JJ	135½	3 13 10	—
Gt. Western Rly. 5% Rent Charge	FA	133½	3 14 11	—
Gt. Western Rly. 5% Cons. Guaranteed	MA	133½	3 14 11	—
Gt. Western Rly. 5% Preference	MA	119⅓	4 3 8	—
Southern Rly. 4% Debenture	JJ	115	3 9 7	—
Southern Rly. 4% Red. Deb. 1962-67	JJ	113½	3 10 6	3 4 6
Southern Rly. 5% Guaranteed	MA	134½	3 14 4	—
Southern Rly. 5% Preference	MA	120½	4 3 0	—

*Not available to Trustees over par. †Not available to Trustees over 115.
‡In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

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Printed in Great Britain by THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., at "Oyez House," Fetter Lane, London, E.C.4, and Published at 29, Breams Buildings, E.C.4. ('Phone: Holborn 1853). Agents—The United States and Canada: The Carswell Co., Ltd., 145-149, Adelaide Street West, Toronto 2, Canada; India: Higginbothams, Publishers, Mount Road, Madras; Australia and New Zealand: "The Times," 255a, George Street, Sydney, N.S.W. Saturday, 11th January, 1936.